

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20015 of 2018

Arising Out of PS. Case No.-233 Year-2016 Thana- SALKHUA District- Saharsa

Md. Sijo S/o Md. Kitabul @ Kutto, R/o Village- Kanjri, P.S.- Beldaur,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Chand Giri

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 20-06-2018 Heard learned counsel for the petitioner and learned Addl.
Public Prosecution for the State.

The petitioner is in custody since 19.12.2016.

Earlier prayer for bail of the petitioner was rejected by this Court vide order dated 2.5.2017 passed in Cr. Misc. no.16575 of 2017. The Trial court was directed to expedite the trial.

As per allegation in the written report the petitioner is the main assailant. It is submitted that prosecution evidence has already been concluded.

A report was called for from the Court below which has been received from which it appears that case is pending for defence evidence since 26.4.2018. The Court, at present, is vacant and Presiding Officer has been transferred.



This Court is unable to understand the conduct of the District Judge by keeping the instant case pending in the vacant Court since 26.4.2018 after the transfer of the Presiding Officer when the accused is languishing in custody. The Trial Court was directed by order dated 2.5.2017 to expedite the trial. Despite specific direction of this Court the District Judge, Saharsa has shown gross negligence by keeping the case pending in the vacant Court.

In such view of the matter, District Judge, Saharsa, is directed to transfer the instant case to his own file and conduct the trial on day-to-day basis and pass final judgment in this case as early as possible preferably within a period of six months from the date of receipt of this order and send compliance report to this Court. It is made clear that District Judge will not transfer the instant case to any other Court.

The prayer for bail of the petitioner is accordingly rejected.

(Sanjay Priya, J)

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