

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66078 of 2018

Arising Out of PS. Case No.-24 Year-2004 Thana- RIGA District- Sitamarhi

Jai Mangal Thakur @ Shivajee, son of late Kuldip Thakur, resident of Village-
Champapur, P.S. Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 18-12-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Riga P.S. Case No.24 of 2004** instituted for the offence under Section(s) 302 and other allied sections of Indian Penal Code, Section 27 of the Arms Act, Section 3 of the Explosives Substance Act and Section 17 of the CLA Act.

Prayer of the petitioner for bail was rejected thrice by this Court with direction to the Court below to expedite trial and conclude the same within the period as directed by this Court. First order was passed on 17.09.2016 in Cr. Misc. No.31651 of 2016 by which prayer for bail was rejected and the Court below was directed to expedite the trial and conclude the same as early as possible preferably within a period of nine months from the



date of receipt/production of a copy of this order. Trial was not concluded within the aforesaid period. The petitioner again renewed his prayer for bail which was rejected by order dated 06.09.2017 passed in Cr. Misc. No.42276 of 2017 with direction to the Trial Court to expedite the trial and conclude the same as early as possible preferably within six months from the date of receipt/production of a copy of this order. The trial has not been concluded. Again, the petitioner renewed his prayer for bail, which was rejected by order dated 27.06.2018 passed in Cr. Misc. No.31332 of 2018 with direction to the Court below to expedite the trial and conclude the same as early as possible preferably within two months from the date of receipt/production of a copy of this order.

Counsel for the petitioner submits that trial has not been concluded till date.

A report was called for from the Court below about present stage of the case, which has been received from which it appears that case of the petitioner has not even been committed to the Court of Sessions. The case is pending for supply of police paper.

Xerox copy of entire order-sheet was also called for from the Court below from which it appears that all the three



orders of this Court have been received in the Court below, but the Court below has not taken care of all those orders to expedite the trial and comply the aforesaid orders.

This is totally disobedience of the orders of this Court passed earlier and carelessness of the Court below and the manner in which order of this Court are taken by the Court below.

Petitioner is in custody since 07.02.2016.

Keeping in view the period of custody of petitioner and the fact that Court below has been totally negligent in complying the order of this Court for expeditious disposal, as mentioned above, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Sitamarhi**, in connection with **Riga P.S. Case No.24 of 2004**, subject to the condition that both the bailors shall be close relative of the petitioner.

Further, (i) the petitioner will remain present on each and every date of trial, (ii) His absence on two consecutive date(s) without any reasonable cause will make his bail bond liable to be cancelled, and (iii) the petitioner will not intimidate



the witnesses in any way and will not hamper the trial.

Let this order be placed before the Hon'ble the
Inspecting Judge in administrative side for taking appropriate
action for such negligent attitude of the trial Court in disposing
of the case in spite of direction of this Court.

(Sanjay Priya, J)

J. Alam/-

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