

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10250 of 2018

Arising Out of PS.Case No. -131 Year- 2015 Thana -AURAI District- MUZAFFARPUR

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Raja Singh, S/o Udar Singh, Resident of Village- Kokilwara, P.S.- Aurai,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Pd., Adv.
Mr. Raju Kumar Goswami, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-04-2018

Heard learned counsel for the petitioner and the State.

Prayer for bail of the petitioner was earlier rejected by this Court vide order dated 30.03.2017 passed in Cr. Misc. 6897 of 2017 with liberty to renew his prayer for bail after nine months, if no substantive progress is made in the trial.

The show-cause of District & Sessions Judge, Muzaffarpur, has been received, from which, it appears that the instant case has been transferred to the Court of the then 8th Additional Sessions Judge, Muzaffarpur, for expeditious disposal by order No. 82 of 2018 dated 13.03.2018. The Sessions Judge has mentioned in the show cause that after commitment of the case on 7.6.2017, the case was transferred to the court of Sri Rajendra Pratap Singh, 8th Additional Sessions Judge, Muzaffarpur, on 15.05.2017 and since then the case is pending in the court of 8th Additional Sessions Judge, Muzaffarpur. Sri Rajendra



Pratap Singh made over charge of Court of Sessions of 8th Additional District & Sessions Judge, Muzaffarpur, on 5.2.2018 in the afternoon to Sri Tarun Kumar Sinha, 10th Additional District & Sessions Judge, Muzaffarpur.

There is specific direction of the Hon'ble Court that no Sessions Trial in which accused is in custody shall remain pending in vacant court. From the show cause, it appears that District & Sessions Judge was not aware of the pendency of this case in vacant court, although the accused was in custody for a long period i.e. since 20.7.2016.

The Sessions Judge is directed that since the case record was earlier pending before Sri Rajendra Pratap Singh, 8th Additional Sessions Judge, Muzaffarpur, after commitment since 16.06.2017, the case may be immediately transferred to the Court of Sri Rajendra Pratap Singh, who is now designated as 1st Additional District & Sessions Judge, Muzaffarpur. The concerned court will proceed in the trial by giving short adjournment on priority basis and make all efforts to conclude the trial as early as possible preferably within a period of six months from the date of receipt of this order since the petitioner is in custody since 20.07.2016.

Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

The petitioner is given liberty to renew prayer for bail in the



court below itself in the event the trial is not concluded within a period of six months from the date of receipt of this order which shall be disposed off by the court below in accordance with law. The trial court will give reason in the bail order for not concluding the trial within aforesaid period.

S.Ali/-

(Sanjay Priya, J)

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