

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43732 of 2018

Arising Out of PS.Case No. -497 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Hari Lal Sharma S/o Baldeo Sutihar, R/o Vill.- Tiri Bhagwanpur, P.S.-
Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-08-2018 Earlier prayer for bail of the petitioner was dismissed vide order dated 04.09.2017 passed in Cr. Misc. No. 38040 of 2017 in connection with Sour Bazar P.S. Case No. 497 of 2016 registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 506 of the IPC with allegation of assault to the father of informant causing his death.

Submission of learned counsel for the petitioner that upto now even the charge has not been framed and the petitioner has been in judicial custody since 29.03.2017 and there is no likelihood of conclusion of trial in near future.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts as well as the fact that there is direct allegation against the petitioner,



I am not inclined to enlarge the petitioner on bail, this application is accordingly dismissed.

However, it appears that earlier a report was called for from the trial court with regard to stage of trial from which it appears that there is no Presiding Officer and the Court is vacant, however, I failed to understand that in spite of specific direction that no court shall remain vacant and in charge court has to perform all the functions of vacant court.

In such view of the matter, the District Judge, Saharsa is directed to look into the matter and try and get the trial expedited and get it concluded within a reasonable period.

(Vinod Kumar Sinha, J)

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