

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12453 of 2019**

Arising Out of PS. Case No.-184 Year-2014 Thana- SITAMARHI District- Sitamarhi

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Bittu Tiwari @ Vishwajeet Tiwari @ Vishwajeet Kumar, aged about 23 years,
Male, Son of Ram Prawesh Tiwari Resident of Village- Sheohar,
Brahmasthan, P.S.- Sheohar, District- Sheohar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Akbar Ali

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 03-04-2019 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 302, 120(B)
of the Indian Penal Code and 27 of the Arms Act.

Earlier the bail prayer of the petitioner was twice
rejected by this Court taking note of this fact that in course of
trial one eye-witness claimed that it was petitioner who shot fire
on the deceased. However, while rejecting the bail prayer of the
petitioner vide order dated 27.06.2018 passed in Cr. Misc. No.
25542 of 2018, this court directed the trial court to frame charge,
if any, against the petitioner in accordance with law within two
weeks from the date of receipt of the record in Sessions court



and after framing of the charge, the concerned court shall conclude the trial of the petitioner within six months from the date of framing of charge but the explanation dated 16.03.2019 sent by learned 1st Additional Sessions Judge, Sitamarhi vide his letter no. 37 of 2019 goes to show that the charge against the petitioner could be framed on 16.03.2019 when this court sought an explanation from the learned trial court regarding the non-compliance of order of this court. The learned 1st Additional Sessions Judge, Sitamarhi has tried to convince this court that due to non-production of the petitioner charge against him could not be framed but after perusal of Annexure-5 to the petition as well as explanation of learned 1st Additional Sessions Judge, Sitamarhi, I am of the view that the explanation given by learned 1st Additional Sessions Judge, Sitamarhi is not satisfactory and there is apparent laches on his part. It appears that the learned 1st Additional Sessions Judge, Sitamarhi has not taken the direction of this court seriously and also failed to take notice of this fact that the petitioner is languishing in jail custody since 07.01.2016 without any substantive progress in the trial.

Since up till now only charge could be framed against the petitioner that is, too, when this court sought explanation



from the learned 1st Additional Sessions Judge, Sitamarhi. It appears that there is no possibility of conclusion of trial of the petitioner in near future. Therefore, in the aforesaid circumstance, petitioner, above named, is directed to 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 learned 1st Additional Sessions Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 184 of 2014 corresponding to Sessions Trial No. 228 of 2018, subject to condition that one of the sureties shall be father of the petitioner.

The learned 1st Additional Sessions Judge, Sitamarhi is warned to be more careful and cautious in future while complying the order of this court.

Let this order be communicated to learned 1st Additional Sessions Judge, Sitamarhi for needful.

(Hemant Kumar Srivastava, J)

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