

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27912 of 2019

Arising Out of PS. Case No.-111 Year-2016 Thana- HATHAURI District- Muzaffarpur

DINESH SAHANI Son of Kishori Sahani R/o Mohalla- Narma Dih, P.S.-
Hathori, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 12-07-2019 learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in Hathori P. S. Case No.
111 of 2016 instituted for the offence under Section(s) 147,
148, 149, 341, 323, 307 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

Earlier, the prayer for bail of the petitioner was
rejected by a Co-ordinate Bench of this Court vide order dated
26.07. 2017, passed in Cr. Misc. no. 26370 of 2017. Thereafter,
the petitioner has again moved application for grant of bail
vide Cr. Misc. no. 15710 of 2018 which was again disposed of
by order dated 20.06.2018 observing that in view of the order
dated 16.05.2018 passed in the aforesaid case, the report of the
District and Sessions Judge, Muzaffarpur vide letter no. 1687/E



dated 14.05. 2018 is now of no consequence. Thereafter, the petitioner, once again, moved application for bail vide Cr. Misc. no. 35168 of 2018 which was again rejected by a co-ordinate Bench of this Court vide order dated 11.07. 2018 with direction to the Trial Court to expedite the trial and conclude the same within six months granting liberty to petitioner to renew prayer for bail after six months, if the trial is not concluded by that time.

Report was called for from the Court below which has been received and kept at Flag-‘A’. From perusal of report received from Trial Court, it appears that all non-official witnesses have already been examined and, now, only official witness like Medical Officer and the I.O. are left to be examined in the instant case.

Earlier, a Co-ordinate Bench of this Court vide order dated 11.7.2018 directed the Trial Court to expedite the trial and conclude the same within six months but, trial has not been concluded.

This Court finds that all the non-official witnesses have already been examined and the official witness like medical officer and the I.O. are left to be examined in this case.

The Trial Court concerned is directed to fix the case



on day-to-day basis and conclude the trial positively within a period of six months and send compliance report to this court.

It is made clear that in the event trial is not concluded within a period of six months, the Trial Court will submit explanation to this Court for not taking steps for complying the earlier order passed by this Court.

Learned counsel for petitioner submits that last witness has already been examined on 9.10.2018 and till date Medical officer and I.O. have not been examined.

This Court takes serious view of the casual approach of the trial Court in not taking up the trial of the accused speedily despite specific direction of this Court vide order dated 11.07.2018. District and Sessions Judge, Muzaffarpur is directed to monitor the case himself.

Let a copy of this order be communicated to the Trial Court as well as District and Sessions Judge, Muzaffarpur.

The prayer for bail of the petitioner stands rejected with aforesaid direction.

(Sanjay Priya, J)

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