

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23768 of 2019

Arising Out of PS. Case No.-72 Year-2014 Thana- KHIRI MORE District- Patna

Chandrakant Sharma Son of Late Deoraj Singh, Resident of Village-Rampur,
Police Station-Karpi, District-Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Uday Pratap Singh

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

ORAL ORDER

3 18-09-2019 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, 307, 302, 504
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 petitioner
happens to be assailant and again, I am not inclined to release
the petitioner on bail and accordingly, his prayer for bail in
connection with Sessions Trial No. 445 of 2016 arising out of
Khiri Mor P.S. Case No. 72 of 2014 stands rejected.

It would appear from perusal of the record that four
persons were killed and some persons sustained injury due to



fire made by petitioner and other accused and the report of learned trial court goes to show that out of eleven proposed prosecution witnesses, eight prosecution witnesses have already been examined and the case is pending for recording the evidence of investigating officer and doctor. Furthermore, report of learned trial court goes to show that a co-ordinate Bench of this court vide order dated 12.12.2018 passed in Cr. Misc. No. 63093 of 2018 directed the Senior Superintendent of Police, Patna to ensure the presence of investigating officer and similarly, Civil Surgeon, Patna was directed to produce the doctor before the trial court so that their evidence could be recorded and the trial could be concluded and the learned trial court vide letter nos. 19 & 20 dated 21.01.2019 informed both the above stated officials regarding the direction and order of this court but above stated effort of learned trial court went in vain as neither Senior Superintendent of Police, Patna nor Civil Surgeon, Patna took direction of this court seriously and failed to comply with the direction of this court. It is very serious matter of disobedience of court's order. However, this court again directs the Senior Superintendent of Police, Patna as well as Civil Surgeon, Patna to ensure the presence of concerned investigating officer and doctor respectively before the learned



trial court (Additional Sessions Judge-II, Danapur, Patna) in connection with Sessions Trial No. 445 of 2016 arising out of Khiri Mor P.S. Case No. 72 of 2014 within a month, failing which this court shall take serious view against both the aforesaid officials. Apart from this, the learned trial court is directed to issue non-bailable warrant of arrest against both the aforesaid official witnesses immediately after receipt of this order and conclude the trial of the petitioner within four months from the date of receipt/production of copy of this order.

(Hemant Kumar Srivastava, J)

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