

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79079 of 2019

Arising Out of PS. Case No.-138 Year-2017 Thana- PATNA RAIL P.S. District- Patna

Ravi Shankar Akela @ Ravi Shankar Kumar Akela, Aged about 34 years, Male, S/o Sh. Kameshwar Prasad, R/o village- Karpi, P.S.- Mahakar, District- Gaya, Present Address New Yarpur, Rajkamal Niwas, South of Poddar Bhawan, P.S.- Gardanibagh, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ashutosh Nath, Advocate
For the State : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 08-06-2020 Heard Mr. Ashutosh Nath, the learned counsel for the petitioner, Mrs. Anita Kumari Singh, the learned Additional P.P. and Mr. Sanjay Kumar, the learned counsel appearing on behalf of the informant through video conferencing.

The petitioner seeks bail in Patna Rail P.S. Case No.138 of 2017, corresponding to Sessions Trial No.30 of 2018, registered under Sections 363 and 365 of the Indian Penal Code. Later on sections 302, 201, 120B and 376 of the Indian Penal Code were added.

The prayer for bail of the petitioner was repeatedly rejected by a coordinate Bench of this Court with a direction to the trial court to expedite the trial and conclude the same preferably within nine months by order dated 31.07.2019,



passed in Cr. Misc. No.45862 of 2019, but even after lapse of more than nine months, the trial has not been concluded.

Mr. Ashutosh Nath, the learned counsel for the petitioner submits that new development happened in this case as Manorma Kumari, the so called deceased, the daughter of the informant with whom the petitioner solemnized marriage appeared in court and filed petition that she had left her house for pursuing her study but her father and sister lodged the case for her disappearance and her killing by the petitioner. The sister of Manorma Kumari is said to have identified the dead body and claimed to be of Manorma Kumari. On such, this Court vide order dated 04.12.2019 directed the Additional Sessions Judge-I, Patna to hold an enquiry on the petition of Manorma Kumari whether she is in fact Manorma Kumari who is alleged to have been killed by the petitioner but Manorma Kumari did not appear before the learned Additional Sessions Judge-I, Patna and accordingly, the learned Additional Sessions Judge-I, Patna sent report that Manorma Kumari never appeared in his court within time stipulated by this Court.

Mr. Sanjay Kumar, the learned counsel appearing on behalf of the informant submits that when she executed Vakalatnama, he made his best to ascertain the actual identity of



Manorma Kumari and only then he filed Vakalatnama on her behalf but thereafter Manorma Kumari never appeared before him or before the court who was entrusted with to hold an enquiry.

In absence of such enquiry, this Court is unable to give any finding that Manorma Kumari is still alive, therefore, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The learned Additional Sessions Judge-I, Patna, who is in seisin of the case, is directed to hold the trial on day to day basis and conclude the same within six months from the date of receipt of this order.

The Superintendent of Police, Rail, Patna is directed to ensure the attendance of all the prosecution witnesses so that the trial must be concluded within six months.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

It is further made clear that if Manorma Kumari, who had appeared and filed petition before the trial court that she is alive, appears, the trial court shall ascertain the identity of Manorma Kumari and if it is found that Manorma Kumari is still alive and sister of Manorma Kumari has wrongly identified



the dead body of another lady as of Manorma Kumari, the trial court shall pass order immediately thereafter on the petition for release of the petitioner.

(Prabhat Kumar Jha, J)

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