

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44094 of 2021**

Arising Out of PS. Case No.-733 Year-2019 Thana- DEHRI TOWN District- Rohtas

MANISH KUMAR @ MANISH KUMAR SINGH S/O HIRA SINGH R/O  
VILLAGE-KATAR, P.S-INDRAPURI (DEHRI), DISTRICT-ROHTAS.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

|                          |   |                                                                                                             |
|--------------------------|---|-------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Amrendra Narayan Rai, Advocate<br>Ms. Archana Shahi, Advocate |
| For the Opposite Party/s | : | Mr. Shyam Kumar Singh, APP                                                                                  |
| For the Informant        | : | Mr. R. S. Sahay, Advocate<br>Mr. C.M. Jha, Advocate<br>Mr. Arvind Kumar, Advocate                           |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      01-12-2021                      Perused the report as contained in Letter No. 26 Dated  
22.11.2021.

Learned District & Sessions Judge, Rohtas at Sasram has informed that the case record has been received in his court on 03.06.2021 and at least six months to be taken for conclusion of the trial. He has also informed that one of the co-accused Pawan Kumar is not putting appearance and the case is running for his appearance though in preceding line it is stated that out of total five accused, the rest four accused are on bail and only accused who is in custody is this petitioner.

This Court, therefore, fails to understand as to why the non-appearance of the co-accused Pawan Kumar is being taken so softly even though the non-appearance of the accused who is on bail is delaying the progress in the trial. Therefore, the learned court



below was expected to take coercive measures if the co-accused Pawan Kumar is instrumental in delaying the trial of this case.

In any view of the matter, since this Court has earlier rejected the prayer for bail of the petitioner vide order dated 25.01.2021 passed in Cr. Misc. No. 32601 of 2020 having noticed that the petitioner is the sole assailant of the deceased, this Court finds no reason to take a different view of the matter at this stage. Prayer for bail of the petitioner is, thus, rejected.

The learned trial court shall not delay the framing of charge now and shall proceed with the trial by keeping the records on shorter dates. The prosecution must co-operate in conclusion of the trial and if any warrant of arrest is issued against the co-accused who indulges in delaying the trial, the Superintendent of Police, Rohtas at Sasaram shall ensure that such warrant of arrest is executed forthwith.

The trial court shall take all endeavour to conclude the trial as early as possible and preferably within a period of six months as per its report.

The application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

