

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2138 of 2021**

Arising Out of PS. Case No.-552 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

CHINTU MISHRA @ VIKASH MISHRA Son of Shri Virendra Mishra
Resident of Village- Madhukar Chhapra, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 17-02-2021

Heard both sides.

The petitioner seeks bail in Kanti P.S. case No. 552/2019 registered u/s 397 of the IPC.

The learned counsel for the petitioner submits that prayer of petitioner for bail was earlier rejected by this court vide order dated 17.06.2020 passed in Cr. Misc. No. 4878/2020 but till date even the case has not been committed to the Court of Sessions. Many accused persons were shifted to Bhagalpur jail. Three accused persons, who are on bail, are not appearing in the court and even the police paper has not been given to them. The petitioner is in custody since 21.09.2020. It is further submitted that from perusal of Annexures-3 and 4, it would appear that motor cycle recovered from the house of the petitioner does not tally with the description of the looted motor cycle but it appears that many looted articles were recovered from the house of the petitioner after the petitioner being arrested and the petitioner confessed his guilt.

Taking into consideration the facts aforesaid, I am not



inclined to enlarge the petitioners on bail, at this stage. Accordingly, the same is rejected.

The court in seisin of the case is directed to commit the case of the petitioner to the Court of Sessions even after separating the case of the petitioner from other accused persons and thereafter the learned Sessions Judge, in seisin of the case, shall hold the trial on day to day basis and conclude the same within four months after framing of charge.

The Superintendent of Police, Muzaffarpur is directed to ensure the attendance of prosecution witnesses in the trial court so that the trial must be concluded within four months after framing of the charge.

Let a copy of this order be sent to the trial court and the Superintendent of Police, Muzaffarpur for information and needful.

If the trial is not concluded within four months after framing of the charge, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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