

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.811 of 2021**

Arising Out of PS. Case No.-39 Year-1990 Thana- KORANSARAI District- Buxar

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1. SIMIL DUBEY S/O LATE HARIDWAR DUBEY RESIDENT OF VILLAGE-LAHANA, P.S-KORAN SARAI, DISTRICT-BUXAR
  2. KASHI NATH DUBEY S/O LATE HARIDWAR DUBEY RESIDENT OF VILLAGE-LAHANA, P.S-KORAN SARAI, DISTRICT-BUXAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY HOME DEPTT., PATNA. BIHAR
2. THE SUPERINTENDENT OF POLICE BUXAR. BUXAR.
3. THE DEPUTY SUPERINTENDENT OF POLICE, BUXAR, DISTRICT-BUXAR. BUXAR.
4. THE OFFICER IN-CHARGE OF POLICE STATION KORAN SARAI, DISTRICT-BUXAR. BUXAR.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Anirudh Mishra, Advocate.    |
| For the Respondent/s | : | Mr. Suman Kumar Jha, AC to AAG-3 |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

5      18-09-2023                      Heard the parties concerned.

2. The petitioners are accused in Koran Sarai P.S. Case No. 39 of 1990 GR No. 941 of 1990. The present writ application has been filed for quashing of the non bailable warrant of arrest (NBW) issued by learned Additional Chief Judicial Magistrate, 1<sup>st</sup>, Buxar on 30.01.2021.

3. Learned counsel for the petitioners submits that the petitioners were enlarged on bail but trial has not progressed since filing of the charge sheet and cognizance having been



taken against the petitioners on 22.2.1992 under Section 354, 306 and 201 of the Indian Penal Code. Accordingly, he submits that the petitioners shall cooperate in the trial and shall present themselves before the learned trial court, accordingly, a direction may be issued to the learned trial court to conclude the trial within a reasonable time frame.

4. This Court vide order dated 17.08.2023 had called for a report from the trial court regarding stage of Koran Sarai P.S. Case No. 39 of 1990/G.R. No. 941 of 1990. In pursuance thereof, the report of learned In-charge ACJM-I, Buxar, dated 22.8.2023, is on record, stating therein that cognizance against the petitioners was taken on 22.2.1992 under Sections 354, 306 and 201 of the Indian Penal Code. The case has not been committed due to the absence of the accused persons and the case diary. Necessary correspondence has been made for obtaining the case diary and the case is likely to be committed within a period of one month after securing the presence of accused persons.

5. Having heard learned counsel for the parties and taking into consideration the nature of prayer made in the application, the petitioner is directed to appear before the trial court on each and every date and the learned trial court is



directed to take all steps for conclusion of trial immediately preferably within a period of one year.

6. With aforesaid observation and direction, this writ application stands disposed of.

**(Anil Kumar Sinha, J)**

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