

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59415 of 2023

In
CRIMINAL MISCELLANEOUS No.36917 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- DARBHANGA District- Darbhanga

1. LALAN SAHNI @ LALA SAHNI @ LALLA SAHNI SON OF LATE BINDESHWAR SAHNI RESIDENT OF VILLAGE- SHIVAJINAGAR, WARD NO. 22, PS- TOWN, DISTT- DARBHANGA
2. DABLOO KUMAR MANDAL SON OF SOGARATH MANDAL RESIDENT OF VILLAGE- DOHI TOLA, WARD NO. 14, PS- SADAR, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 13-10-2023 Learned counsel for the petitioners has filed supplementary affidavit. Let it be kept on record.

2. The present petition has been filed for modification of order dated 15.06.2023 passed in Cr. Misc. No. 36917 of 2023.

3. Learned counsel for the petitioners submits that petitioners have already been granted bail vide order dated 15.06.2023 passed in Cr. Misc. No. 36917 of 2023 with certain conditions in which one of the conditions is that “*the petitioner shall be released on bail after framing of charge*”.

4. Learned counsel for the petitioners submits that



despite the order of this Court, the petitioners could not be released on bail on account of non framing of charge. Petitioners are in custody since 22.01.2023. Hence, he prays to modify the said condition.

5. Learned A.P.P. for the State further conceded that the petitioners have already been granted bail by this Court and on account of non framing of charge, petitioners have not been released on bail.

6. In pursuance of the order of this Court, a report vide letter no. 1426 dated 15.09.2023 has been sent by the trial court which reflects that vide order dated 25.08.2023, a show cause notice has already been issued to the Investigation Officer inter-alia calling upon him to show cause why the charge-sheet has not been filed. Said show cause notice was issued from the concerned court on 04.09.2023 and even then the charge-sheet has not been filed by the Investigating Officer. Hence, charge could not be framed.

7. Considering the arguments advanced on behalf of the both sides as well as report of the trial court, the modification application is allowed to the extent that petitioners are directed to be released on bail without framing of charge, subject to other conditions as earlier imposed in order dated



15.06.2023.

8. Accordingly, order dated 15.06.2023 passed in Cr. Misc. No. 36917 of 2023 stands modified to the extent stated above.

9. In the aforesaid manner, the present modification petition stands disposed of.

10. Let this order be communicated to the concerned court forthwith.

11. However, the Superintendent of Police, Darbhanga is directed to inquire the matter as to why the charge-sheet has not been filed despite being the statutory period has already been lapsed. The Superintendent of Police, Darbhanga shall submit its report within a period of six weeks from the date of receipt/production of copy of this order.

12. Re-notify this matter after six weeks or after receipt of report, whichever is earlier.

(Alok Kumar Pandey, J)

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