

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.953 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- MAHILA PS District- Katihar

Rupesh Kumar Poddar S/O Bhola Poddar R/O Village- Sindri, P.S- Noida,
Distt.- Dhanbad, Jharkhand.

... .. Petitioner

Versus

1. The State Of Bihar, Through Principal Secretary, Department Of Law And Justice, Government Of Bihar Old Secretariat, Patna.
2. The Registrar General, Patna High Court, Patna.
3. The District And Sessions Judge, Katihar.
4. Kumari Kirandeep D/O Shyamanand Poddar R/O Village- Jagannathpuri, Barmasiya, P.S- Sahayak, Distt.- Katihar.

... .. Respondents

with

Criminal Writ Jurisdiction Case No. 1052 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- MAHILA PS District- Katihar

1. Rupam Devi @ Rupam Kumari @ Guddi W/O Prithvi Poddar R/O Vill.- Sindi, P.S.- Nirsa, Dist.- Dhanbad, Jharkhand.
2. Rakesh Poddar S/O of Bhola Poddar R/O Vill.- Sindi, P.S.- Nirsa, Dist.- Dhanbad, Jharkhand.
3. Ramesh Kumar Poddar Son of Bhola Poddar R/O Vill.- Sindi, P.S.- Nirsa, Dist.- Dhanbad, Jharkhand.
4. Sushila Devi W/O Bhola Poddar R/O Vill.- Sindi, P.S.- Nirsa, Dist.- Dhanbad, Jharkhand.
5. Anil Poddar S/O Not known R/O infront of Laldurgasthan, P.S.- Gogri, Dist.- Khagaria
6. Prithvi Poddar @ Prithvi Raj Kumar Son of Raghunandan Poddar R/O Vill.- Sultanganj, P.S.- Sultanganj, Dist.- Bhagalpur

... .. Petitioners

Versus

1. The State of Bihar, through Principal Secretary, Department of Law and Justice, Govt. Of Bihar Old Secretariat, Patna.
2. The Registrar General, Patna High Court, Patna
3. The District and Sessions Judge, Katihar
4. Kumari Kirandeep D/O Shyamanand Poddar R/O Vill.- Jagannathpuri, Barmasiya, P.S.- Sahayak, Dist.- Katihar

... .. Respondents



Appearance :

(In Criminal Writ Jurisdiction Case No. 953 of 2024)

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Bidhu Ranjan, Advocate

For the Respondent/s : Mr. G.A.9

(In Criminal Writ Jurisdiction Case No. 1052 of 2024)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Bidhu Ranjan, Advocate

For the Respondent/s : Mr. G.A.10

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2024 In Cr.W.J.C. No. 1052 of 2024, in paragraph '1' the
ABP No. 1422 of 2023 has been wrongly typed in place of ABP
No. 25 of 2024 filed on 8th January 2024.

2. As prayed, learned counsel for the petitioners in
Cr.W.J.C. No. 1052 of 2024 is permitted to make necessary
correction with regard to ABP case number and date of filing of
the same in paragraph '1' of the writ application.

3. Heard Mr. N.K. Agrawal, learned Senior Counsel
assisted by Mr. Bidhu Ranjan, learned counsel for the petitioner(s)
in both the applications and learned G.A. 9 for the State. In the
nature of the order proposed to be passed by this Court, no notice
is required to be issued to respondent no. 4.

4. These two writ applications have been filed seeking
a direction to the learned District & Sessions Judge, Katihar to
hear and dispose of ABP No. 1422 of 2023 and ABP No. 25 of
2024 which are said to be pending consideration since 10.11.2023
and 08.01.2024 respectively.

5. Learned Senior Counsel for the petitioner(s) submits



that these two anticipatory bail applications have been preferred by the husband and the family members of the husband respectively in connection with a case being Mahila P.S. Case No. 15 of 2023 lodged by respondent no. 4 for the offences punishable under Sections 498A, 341, 323, 504, 506/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act. This Court has been informed that both the anticipatory bail petitions have been tagged.

6. On 10.11.2023, the case being ABP No. 1422 of 2023 was registered, on 21.11.2023 the petitioner(s) were directed to file requisites of notice to the informant. Thereafter, the matter has been taken up on various dates, the case diary has also been received but both the cases are being adjourned for no plausible reason. It is pointed out that on perusal of the ordersheets, it would appear that in the court records adjournments are being shown on the joint request of the parties which is not a correct fact. In this regard, a petition, copy of which has been brought on record as Annexure 'P/6', has been filed in the court of learned Sessions Judge, Katihar wherein a request has been made to dispose of the anticipatory bail petitions at the earliest because it involves matter relating to personal liberty of the petitioner(s). In paragraph '3', it is specifically stated that the matters are being adjourned on the ground of joint request whereas the petitioner(s) never made any



request for adjournment rather they pray for disposal of the bail petitions as expeditiously as possible.

7. In the circumstances stated above, it is submitted that the petitioner(s) have been compelled to approach this Court seeking appropriate direction.

8. Learned counsel for the State is present. It is submitted that the delay in disposal of the anticipatory bail petitions is itself a matter of concern and such huge delay is contrary to and in disobedience of the order of the Hon'ble Supreme Court in the case of **Tulsi Ram Sahu Versus The State of Chhattisgarh** passed in **Special Leave to Appeal (Crl.) No(s). 2564/2022** in which the Hon'ble Supreme Court has been pleased to issue directions for expeditious disposal of the bail applications. It is, thus, submitted that an appropriate order be issued to the learned Sessions Judge, Katihar.

9. Having heard learned Senior Counsel for the petitioner(s) and learned G.A. 9 for the State, this Court is of the considered opinion that the huge delay of over six months in hearing and disposal of the anticipatory bail matters in the court of learned Sessions Judge, Katihar must be a matter of concern for this Court. The ordersheets of the learned Sessions Court are recording that the adjournments have been granted on the joint request but only by recording such a ground, the court cannot get



absolved of it's responsibility from disposing of the anticipatory bail petitions within a reasonable time as directed by the Hon'ble Supreme Court. The fact remains that the petitioner(s) filed a specific petition in form of Annexure 'P/6' wherein they have categorically stated that they never have made any request for adjournment.

10. This Court would seek comment of the learned Sessions Judge, Katihar on this issue. Such comment together with the order of this Court be placed before the Hon'ble the Chief Justice in administrative side for consideration.

11. This Court directs that both the anticipatory bail petitions pending before the learned Sessions Judge, Katihar be heard and disposed of on their own merit within a period of two weeks from the date of receipt/production of a copy of this order.

12. Till hearing of the anticipatory bail matters and disposal of the same, the petitioner(s) in both the writ applications shall not be arrested in connection with Mahila P.S. Case. No. 15 of 2023.

13. Both the writ applications stand disposed of.

(Rajeev Ranjan Prasad, J.)

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