

Arising Out of PS. Case No.-68 Year-2020 Thana- PARBATTa District- Khagaria

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the State : Mr. Damodar Prasad Tiwary, APP

4 20-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Sessions Case No. 663 of 2023 arising out of Parbatta P.S. Case No. 68 of 2020 for the offences punishable under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 24.02.2020 by the informant, Rupam Devi.

3. As per the prosecution story, the informant alleged that on 24.02.2020 at daytime, she along with her husband and 'Bhaisur' was returning from field. The accused persons who were hidden in the wheat field, variously armed surrounded them and caught her husband where upon Pappu Yadav fired upon her husband which hit his back and the bullet came out from chest side. On 'hulla' all accused persons fled away. Local persons assembled there and carried the injured to the village and on way Police arrived who sent the injured to the PHC,



Parbatta. He was referred to Sadar Hospital, Khagaria and on the way the injured died.

4. Earlier the bail application was preferred vide Cr. Misc. No. 9243 of 2023 was taken up and rejected on 03.05.2023 with a direction to Trial Court to expedite the trial within a period of one year.

5. Upon filing of the present petition after more than one year, a report was called for and as per the report dated 03.12.2024 of the learned Additional Sessions Judge-III, Khagaria, out of nine prosecution witnesses, none has been examined, though summons andailable warrants have been issued on 10.07.2024.

6. The report read as follows:-

Letter No. 158 of 2024

From:- Additional Sessions Judge-III Khagaria,

To,
The Assistant Registrar,
High Court of Judicature at Patna.

Sub:- Regarding Call for Legible Xerox/Carbon Copy of the Case Diary and the Postmortem report in connection with Parbatta P.S. Case No. 68 of 2020.

Ref:- Hon'ble Court's order dated 22.11.2024 passed in Cr. Misc. No. 55854 of 2024 (Pappu Yadav vs. The State of Bihar)

Khagaria, dated 3rd December, 2024



Sir,

Most respectfully, with reference to the Hon'ble Court's order dated 22.11.2024 passed in Cr. Misc. No. 55854 of 2024 regarding call for legible Xerox/Carbon Copy of the Case Diary and Postmortem report in connection with Parbatta P.S. Case No.-68 of 2020, legible Xerox/ Carbon Copy of the Case Diary and Postmortem report is being sent.

Additionally, in this case charge was framed against the accused Pappu Yadav on 12.12.2023.

There are altogether nine prosecution witnesses in this case but none of the witnesses have been examined. Summons and Bailable warrants have been issued on 10.07.2024 for production of public witnesses.

This case is still pending for evidence of prosecution witness. Next date is fixed on 10.12.2024 for prosecution evidence.

It is further submitted that earlier the Hon'ble court's order dated 13.09.2024 regarding Cr. Misc. No.-55854 of 2024 was received in this court on 19.09.2024. The parent court was on Child Care Leave until 21.09.2024 and resumed duty on 22.09.2024 but the said order was not placed in front of me due to which the order was not complied. This is to further submit



that this case is listed on CIS as Parbatta P.S no.-263/2024 instead of Parbatta P.S-68/2020 by mistake because of which finding the original record for this case was delayed. I humbly apologise for the delay in sending this report.

It is therefore, prayed that this report may kindly be placed before the Hon'ble High Court for kind perusal and needful.

Yours faithfully,

*District and Additional Sessions Judge-III
Khagaria*

7. Though there is direct allegation against the petitioner that he opened fire from close range causing the death of the husband of the informant, this Court cannot put its eyes from the fact that he is in custody since the year 2022 and despite the clear direction given in the earlier order, the routine exercise of summon/bailable warrant have been issued and there is nothing on record to show why non-bailable warrant was not issued after July 2024. Even the developments that took place between May 2023 to July 2024 is/are not on record. The Court must realize that though the petitioner is alleged to be main assailant he is also entitled for speedy trial, having remained in custody for more than two years.



8. It is expected from the learned Trial Court to take up the matter immediately and see to it that the same is concluded within a period of nine months from today and a report shall be submitted thereafter to the Court.

9. Let a copy of the order be communicated to the office of learned Principal District & Sessions Judge, Khagaria for his perusal and necessary instructions. A copy be also sent to the Superintendent of Police, Khagaria so that he ensures presence of witnesses before the Trial Court.

10. The bail application stands rejected.

(Rajiv Roy, J)

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