

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50475 of 2024

Arising Out of PS. Case No.-166 Year-2019 Thana- GORIAKOTHI District- Siwan

Birendra Rawat @ Birendra Mushar Son Of Sri Bigu Rawat Resident Of
Village - Chhitauli Musher Toli, P.S. - Goreakothi, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 72 of 2020, arising out of Goreyakothi P.S. Case No. 166 of 2019, registered for the alleged offences under Sections 324, 326 and 302 of the Indian Penal Code.

3. As per prosecution case, the petitioner entered into the house of the informant and stabbed the informant, her husband and when the son of the informant came for their rescue, he was also stabbed by knife. The husband died at the spot. The informant died while undergoing treatment in hospital.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The occurrence is stated to have taken place in the dead of night and the story of the prosecution is not believable. Learned counsel further submits that the motive is stated to be for installing a hand-pump and for such petty dispute, it is not believable that the petitioner would take such extreme step. Learned counsel further submits that nothing incriminating has been recovered from the person or possession of the petitioner, who is in custody 24.10.2019. The prosecution has failed to examine its witnesses and only two witnesses have been examined till date and both the witnesses were examined in the year 2022. Thereafter, there has been no progress in the trial and the petitioner has been suffering incarceration for more than five years. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that it is a case of double murder and there is specific allegation against the petitioner that he stabbed both the deceased.

6. Having regard to the fact that there is direct allegation against the petitioner for causing death of two persons by stabbing them, I am not inclined to enlarge the petitioner of bail. Hence, the prayer for bail is rejected.



7. Earlier a report has been called for from the learned trial court and in the report dated 5th December, 2024 the learned trial court has submitted that the charges have been framed on 14.10.2020 and thereafter, two prosecution witnesses have been examined on 27.04.2022 and 08.09.2022. It appears that thereafter no witnesses have been examined out of six witnesses named in the charge sheet. Learned trial court has further submitted that it would take 6 to 9 months to conclude the trial.

8. I find the report to be quite disheartening for the reason that the learned trial court has been sitting idle over the matter since 2022 when the last witness was examined on 08.09.2022 and has been proceeding in the matter in most casual manner when the accused is in custody for more than five years. It was expected that the learned trial court would make extra effort for disposal of the trial before it and would not think its duty is over after sending the report. Therefore, learned trial court is directed to take up the matter showing urgency and if possible run the trial on day-today basis.

9. The Superintendent of Police, Siwan is directed to ensure the presence of witnesses before the learned trial court on the dates fixed, failing which the Superintendent of Police, Siwan would appear in person before this Court to explain the



circumstances.

10. Learned trial court is directed to abide by undertaking and try to dispose of the trial within six months as per its undertaking.

(Arun Kumar Jha, J)

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