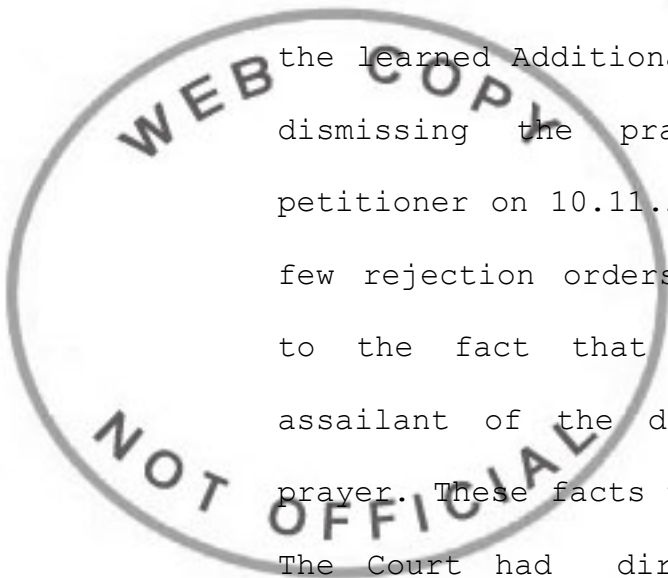


IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.48747 of 2008
MANOJ YADAV Petitioner
Versus
THE STATE OF BIHAR Opp. Party
For the petitioner: Shri Ambrish Kr. Jha
For the State: Shri Dashrath Mehta, APP

2. 28.11.2008

Heard.

This petition is by way of renewal prayer as the first prayer was dismissed in Cr. Misc. No.29450 of 2007 holding that materials were definite indicating that the petitioner was the author of the offence of murder. The rejection order further confirms that finding of the Court but unfortunately, the learned Additional Sessions Judge who was dismissing the prayer for bail of the petitioner on 10.11.2008 merely referred to a few rejection orders passed earlier as also to the fact that the petitioner is the assailant of the deceased and refused the prayer. These facts were known to this Court. The Court had directed the petitioner to approach the lower court and in expectation o that it could " indicate the reasons for pendency of the case". The learned Additional Sessions Judge does not appear alert enough to understand as to what the Court was



expecting of him or if he was alert to understand the implications of those orders then he appears a negligent Officer. Keeping a person in custody for over a year without trial may not be of much consequence to the learned Additional Sessions Judge but this Court values the liberty of a person and his right to have a fair and expeditious trial. The order also does not indicate as to what happened after submission of the chargesheet in the case. The Court could understand that the case has not been committed.

Let the Chief Judicial Magistrate, Araria explain as to why Palasi P.S. Case No. 179 of 2003 is pending commitment by sending a report.

As regards the prayer for bail, the same is dismissed in the light that he appears to be the assailant of the deceased.

After submission of the explanation, the matter shall be placed on the administrative side before the Hon'ble Inspecting Judge of the Judgeship.

(Dharnidhar Jha, J.)

Kanth