

**IN THE COURT OF ADJ-XII, AURANGABAD**  
**Sessions Trial Case No. 228/20 (40/99) Mufassil P.S. Case No. 414/97**

22.03.2021

1. Out of six accused persons 1. Kamta Singh 2. Mukhan Singh 3. Bijay Singh 4. Guddu Singh 5. Praveen Singh & 6. Bishnu Singh. Attendance has been filed of Bishnu Singh and on behalf of rest 4 other than Mukhan Singh, a petition under section 317 Cr.P.C. has been filed. Case called out none appears on behalf of defence to press the petition also the accused in attendance does not appear. This shows that the attendance is false. The petition under section 317 Cr.P.C. stands rejected as not pressed.
2. **On repeated call none appears on behalf of the prosecution.**
3. Record perused. Perusal of record shows that process 82-83 issued for appearance of accused Mukhan Singh. Perusal of record also shows that accused are continuously directed to appear physically but they are not obliging to the direction of the court. This is misuse of privilege of bail. It also shows that warrant of arrest has been issued on the informant further that summons have issued on unofficial witnesses and APP has been directed specifically to produce the PWs , I also find that record is continuously made to be seen by Ld. APP. This record is simply lingering. Thus, it is directed:-

(I) OC to split the record of accused Mukhan Singh.

(II) OC to issue NBW afresh upon all unofficial-unexamined PWs

(III) OC to issue summon afresh upon official PWs

(VI) All accused are directed to remain physically present next date failing which their bail bond shall be positively canceled.

(V) Let one copy of order be sent to DM Aurangabad to acknowledge the conduct of the prosecution and to see that the evidence is adduced

(VI) Let one copy of order be sent to SP Aurangabad to have the information of progress of the case and direct SHO Mufssil to cause appearance of the witnesses

(VII) Let one copy of order be sent to SHO Mufssil who would ensure the appearance of the witnesses.

(VIII) Put up this record again on 06.04.2021 for the prosecution's case.

4. It be mentioned that it is the duty of the DM of the district and the SHO concerned to see that the witnesses are in attendance and the evidence is adduced, as per Rule 34 of GRCO Criminal of Hon'ble Patna High Court. Let this order be seen by Ld. APP and learned counsel for defence.

ADJ-XII Aurangabad