

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.12554 of 2022**

Arising Out of PS. Case No.-389 Year-2021 Thana- SAHPUR District- Patna

Manu Kumar @ Abhimanu Kumar, Son of Arjun Rai Resident of Village -  
Daudpur, Kalbalah, P.S.- Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary  
For the Opposite Party/s : Mr. Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR  
ORAL ORDER**

3      27-07-2022                      The disposal of this bail petition requires perusal of the case-diary and hence case-diary was called for from the court below and same has been received. However, it is found that learned A.P.P., who represents the State, is not having a copy of the case-diary/charge-sheet. He is totally handicapped to represent the case of the State and effectively assist the Court.

Needless to say that such situation not only causes delay in disposal of the case, but also deprives the Court of knowing the best prosecution case, which may result into miscarriage of justice.

Hence, it is desirable that there must be an internal



system of the prosecution to ensure that the case-diaries/charge-sheets are available to the State Counsel at the time of hearing of bail petition.

For this purpose, immediately after getting information of filing of any bail petition, the State Counsel through AG office may inform the concerned SSP/SP through telephone, e-mail or letter, for supply of a copy of the case-diary/charge-sheet for effective representation of the State in Court. After such information of requisition from State Counsel, SSP/SP concerned may be saddled with duty to ensure that case-diaries/charge-sheets are made available to the concerned State counsel at the time of hearing in the Court.

It has also been observed that sometimes State counsel who are entrusted with the cases are not available in the Court at the time of calling the same for hearing and often it is informed that he or she is busy in another Court. In such situation, other State counsel who are not aware of the facts of the case represents the State. In such situation, best case of the State are not presented before the Court for



want of awareness of the whole facts and circumstances of the case.

Hence, it is also desirable that there should be Standing State Counsel for each and every Court separately, so that they are prepared with the brief of their case for making effective representation of the State.

Hence, the learned Registrar General is directed to send a copy of this order to the Chief Secretary, Government of Bihar, Patna and the Director General of Police, Government of Bihar, Patna for information and taking needful steps, like, directing the concerned SSP/SP to ensure that case-diary / charge-sheet are made available to the State counsel after getting requisition from them and there should be provision of Standing Counsel for each and every Court to represent the State.

Re-notify this case on 03.08.2022.

**(Jitendra Kumar, J)**

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