

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4375 of 2016

Arising Out of PS.Case No. -101 Year- 2013 Thana -KOTWALI District- PATNA

Kamal Kumar Gupta @ Banti Gupta Son of Krishna Kumar Gupta, Resident of
Grand Square Road, Barik Danapur, P.S. Danapur, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-09-2016

Heard learned counsel for the parties.

The petitioner seeks bail in Kotwali P.S. Case No.
101 of 2013 dated 27.02.2013 instituted under Sections
193/196/199/200/205/466/471 of the Indian Penal Code.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected by order dated 14.10.2014 in Cr.
Misc. No. 27550 of 2014 with a direction to the Court below to
conclude the trial within six months.

Pursuant to report called earlier, the same has been
received from the Chief Judicial Magistrate, Patna under Letter No.
55 dated 05.03.2016, in which it has been stated that initially the
accused did not receive the police papers and thereafter a petition was

filed under Section 239 of the Code of Criminal Procedure, 1973 which was disposed off and against that a petition has been filed on behalf of the defence that they will file revision.

In view of the aforesaid, this Court does not find that there is any lapse on the part of the trial Court in not concluding the trial, as the delay is solely attributable to the conduct of the petitioner.

Moreover, in view of what has been recorded in the order dated 14.10.2014 in Cr. Misc. No. 27550 of 2014, with regard to the merits of the case and there being no mitigating intervening circumstances, so as to justify the release of the petitioner on bail, the present application stands dismissed.

(Ahsanuddin Amanullah, J)

P. Kumar

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