

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6682 of 2019

Arising Out of PS. Case No.-108 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

Praveen Kumar Gupta @ Vikky S/o Kailash Prasad Gupta Residing at
Mohalla-Kotwali Chowk Noka No 5, P.S.- Town Darbhanga, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shashi Bhushan Prasad, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-06-2019 The prayer for bail of the petitioner was earlier permitted to be withdrawn by order dated 27.11.2017. However, a liberty was given to the petitioner by the aforesaid order to approach the Court after a reasonable time.

The petitioner is in custody since 26.03.2017.

Considering the period of custody of the petitioner, this Court had, on an earlier occasion, asked for a report from the Trial Court about the stage of the case. The report has since been received and is kept at Flag-X.



The report details that eighteen witnesses including sixteen charge-sheeted witnesses have been examined and no further examination of any witness is pending. The trial has remained pending for the receipt of the F.S.L. report from the Forensic Science Laboratory, Patna. Several reminders have been sent to the Forensic Science Laboratory, Patna to send its report but the report has yet not been sent to the Court below.

Mr. N.K. Agrawal, learned senior advocate for the petitioner has submitted that the female members of the family of the petitioner who were made accused along with him have been granted bail during the trial after remaining in jail for sometime. The petitioner has remained in jail for approximately two years and three months by now.

The allegation against the petitioner and others is of dousing the deceased (son of the informant) by kerosene oil and setting him on fire. The deceased appears to have died of burn injuries.



However, it was pointed out that there is a pending civil dispute between the parties, which fact has been mentioned in the F.I.R also in great detail by the informant, who is the father of the deceased.

In any view of the matter, since the trial is almost on completion, this Court would not like to exercise its discretion for granting bail even taking into account the long period of custody of the petitioner.

The Trial Court, under the aforesaid circumstances, is directed to conclude the trial preferably within a period of four months from the date of production of a copy of this order. This timeline would be applicable for the Trial Court if there is no delay caused on behalf of the petitioner or anyone of the co-accused persons, who are facing trial.

The Trial Court shall apprise the Forensic Science Laboratory, Patna of the timeline provided by this Court and shall seek the concerned F.S.L report at the earliest. If the report is not forthcoming, necessary



orders shall be passed on the judicial side by the Trial Court.

If the trial is not concluded within the aforesaid period, the petitioner shall have the liberty to approach this Court again.

With the aforesaid observation, the petition is disposed of.

Shageer/-

(Ashutosh Kumar, J)

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