

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63993 of 2018

Arising Out of PS. Case No.-165 Year-2005 Thana- BARUN District- Aurangabad

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Kail Baitha @ Sudeshwar Baitha S/o late Raman Baitha@ Ram Nandan Baitha Resident of Village- Jharna Khurd, P.S. Bishrampur, District- Palamu, Jharkhand.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Iqbal Asif Neyazi, APP
For the Informant	:	Mr. Surendra Kumar Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 09-04-2019 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioner, Mr. Asif Iqbal Neyazi, learned Additional Public Prosecutor for the State and Mr. Surendra Kumar Singh, learned Senior Advocate appearing on behalf of the informant.

Learned counsel appearing for the petitioner submitted that in a case against unknown initially registered under Section 364 of the Indian Penal Code, the petitioner is languishing in jail as an under trial prisoner since 11.10.2012. He contended that charges have been framed under Sections 364A, 302/34 and 120B of the Indian Penal Code. Altogether, eight witnesses have been examined on behalf of the



prosecution. The last witness was examined on 08.12.2015. Thereafter, the case of the prosecution was closed on 21.12.2015. However, a petition was filed on 07.01.2016 on behalf of the prosecution for summoning one Sunil Kumar Singh, police inspector in exercise of powers conferred under Section 311 of the Code of Criminal Procedure. The said petition was rejected on 23.02.2016. A challenge to the said order before this Court was also filed on 23.08.2017. Thereafter, again the prosecution filed another application for summoning the said Sunil Kumar Singh as a witness in order to prove the call detail record. The second application was rejected on 16.11.2017. He has further contended that after closing the prosecution case, the statements of the accused persons were recorded under Section 313 of the Cr.P.C on 24.02.2016. On 05.04.2016 the case of the defence was also closed and the case was fixed for arguments. Since then, there is no progress in the trial of the petitioner and the petitioner is languishing in jail.

Opposing the application for bail of the petitioner, learned counsel for the State as also learned Senior Advocate for the informant submitted that the prayer for bail of the petitioner was earlier rejected by this Court vide order 23.08.2017 in Cr.Misc. No. 23031 of 2017 on merit and there is no fresh



ground for reconsideration of his bail. They submitted that since this Court has already directed to conclude the trial within one month in Cr.W.J.C No. 238 of 2018, it would not be proper for this Court to grant bail to the petitioner at the fag end of the trial.

Having considered the rival submissions, the application for grant of bail is rejected for the present.

In case, for any reason, if the trial court fails to conclude the trial within the period stipulated in Cr.W.J.C No. 238 of 2018, the petitioner would be at liberty to renew his prayer for bail before the court below itself.

(Ashwani Kumar Singh, J)

Md. S/SK Suman.

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