

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23279 of 2020**

Arising Out of PS. Case No.-267 Year-2019 Thana- RUPASPUR District- Patna

RAJBIR SINGH son of Abhinav Singh, R/o village- Saharsa, P.S.- Kukrabad,
District- Amritsar (Punjab) at Present Chanakya Vihar Colony, Rukunpura
P.S.- Rupaspur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar, Advocate Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s	:	Mr. Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-10-2020 Heard learned counsel for the petitioner and Mr. Amit
Kumar Rakesh, learned APP for the State.

The petitioner in the present case is taking his second attempt to obtain regular bail in connection with Rupaspur P.S. Case No. 267 of 2019 registered for the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of this petitioner this Court had observed that the petitioner may renew his prayer for bail after a reasonable period. It is submitted that the report from the learned court below has been showing that in this case cognizance has been taken and the case record is pending for appearance of the accused persons.



It is his further submission that the co-accused on whose confessional statement the recovery was made from the house of the petitioner has been granted privilege of bail on finding that he was a juvenile. It is also informed that in Cr. Misc. No. 17500 of 2020 two co-accused have been granted bail by a learned co-ordinate Bench of this Court vide order dated 02.06.2020 but thereafter, they seem to have jumped the bail as the records are still coming for appearance. One of the co-accused Banti @ Prince has been refused regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 16095 of 2020 vide order dated 30.06.2020.

Learned counsel further submits that the petitioner is on bail in two other cases mentioned in paragraph '3' of the present application and he is ready to provide local sureties to secure his appearance in connection with this case.

Learned APP for the State has while opposing the prayer for regular bail of the petitioner submitted that even though this Court had given an observation earlier that the petitioner may renew his prayer for bail, the fact remains that the prayer for bail of the petitioner was refused on finding that there were recovery of looted gold ornaments from the house of this petitioner. It is further submitted that the petitioner is a



permanent resident of the State of Punjab, he has no immovable properties in the State of Bihar and the report of the learned court below shows that the records is still coming for appearance of the co-accused which means that the accused are trying to delay the trial and if the petitioner is released on bail, there is every possibility he being a habitual offender may involve in any offence of similar nature and at the same time not being the permanent resident of State of Bihar, it will be difficult to seek his appearance in course of trial as his accomplice are still absconding.

In the given facts and circumstances of the case, this Court is willing to agree with the submission of learned APP for the State. The court had though given an observation in the earlier order that the petitioner may renew his prayer for bail after a reasonable period but that alone would not be a ground to grant bail to the petitioner on having noticed the aforesaid submission of learned APP for the State and the developments that the records are still pending for appearance of the co-accused.

This Court is thus, not inclined to grant bail to the petitioner. The prayer for bail is refused.

The court below is directed to take steps in



accordance with law to expedite the trial and for that if splitting of records is required, the same be done within one month from the date of receipt/production of a copy of this order and then further steps be taken towards progress of trial and complete the same preferably within a period of nine months from the date of receipt / production of a copy of this order. No unnecessary adjournment be granted in the case, the trial be conducted on day to day basis, the prosecution is directed to co-operate with the trial.

The application is, thus, disposed of accordingly in the aforesaid terms.

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(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

