

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22263 of 2020**

Arising Out of PS. Case No.-173 Year-2019 Thana- AGAMKUAN District- Patna

CHHOTU @ PRINCE S/o Sunil Prasad @ Sunil Kumar Resident of
Chaudhary Tola Petrol Pump Azad Lane, P.S.-Sultanganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv.

For the Opposite Party/s : Mr.Binod Kumar No.II, APP

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

3 05-10-2020 Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and Mr.Binod Kumar No.II, learned APP for the
State.

This is the second attempt of the petitioner seeking
regular bail in connection with Agamkuan P.S. Case
No.173/2019 registered for the offence under Sections 393 and
397 of the Indian Penal Code and later on Section 120(B) I.P.C.
has also been added.

Learned senior counsel for the petitioner submits that
earlier the prayer for regular bail of the petitioner was rejected
considering the criminal antecedent of the petitioner, however,
in the present case the petitioner has not been identified by the
informant or his son, hence his prayer for regular bail be



considered keeping in view the materials in the present case alone.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that from paragraph '3' of this application it will appear that the petitioner is an accused in 14 other cases and all those cases are of very serious nature, therefore, even the informant and his son are perhaps not willing to take this trouble to go for identification of the petitioner. It is, however, his submission that considering the huge criminal antecedent of the petitioner one thing is very clear that if the petitioner is released on bail, like all other cases which are pending since the year, 2011, 2012 and 2013 the trial would be delayed on one pretext or the another. Hence, considering the report of the learned trial court wherein only nine months time is being sought for conclusion of the trial once the court starts after the lockdown, this Court may refuse the grant of bail to the petitioner at this stage so that a free and fair trial would be conducted.

Considering the facts and circumstances of the case and taking note of the huge criminal antecedent of the petitioner, this Court tends to agree with the submission of learned APP for the State. The trial court has sought nine months time after the



end of the lockdown for conclusion of the trial.

Let the trial be proceeded with once the court starts physical functioning and it should be concluded within the time sought for by the learned trial court.

Considering the materials on the record, this Court would draw the attention of the Senior Superintendent of Police, Patna towards this case and would request him to cooperate with the trial in consultation with the Public Prosecutor so that the trial is not delayed and whatever is required a free and fair trial be done.

This application is disposed of accordingly.

(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'.

