

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78166 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- NAUBATPUR District- Patna

KAUSHAL KAUSHIK Son of Late Jagdish Prasad Resident of Village-
Nisarpura, P.O.- Amarpura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S.B.K. Manglam, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 27-05-2020 Heard Mr. S.B.K.Manglam, learned counsel for the
petitioner and Dr. Indihar Kumari, learned counsel for the State.

The petitioner seeks bail in Naubatpur P.S. Case
No.46 of 2018 registered under Sections 420, 406, 409, 467,
468, 471 and 120B Indian Penal Code.

The prayer for bail of the petitioner was earlier
rejected by a co-ordinate Bench of this Court by order dated
24.04.2019 with a direction to the trial court to expedite the
trial.

Mr. S.B.K. Manglam, learned counsel for the
petitioner submits that even after lapse of more than one year,
no progress has been made in the trial and the trial is still
pending. Not a single prosecution witness has been examined.
Even charges have not been framed. It is further submitted that



Sanjeev Kumar, one of the accused persons has been granted anticipatory bail by order dated 07.01.2019 passed in Cr. Misc. No.57227 of 2018 and one another accused namely, Anita Bharti, the Executive Officer was also granted anticipatory bail by the learned Additional Sessions Judge VII, Danapur in A.B.P. No.3355 of 2018. The case of the petitioner stands on the same footing. The petitioner was Chairman of Nagar Parishad, Naubatpur and the case of the petitioner is not at all distinguishable from the case of other two persons but even then the prayer for bail of the petitioner has been rejected after referring different paragraphs of the case diary.

Taking into consideration the fact that prayer for bail of the petitioner was earlier rejected by this Court by order dated 24.04.2019 on merit after consideration and submissions put forth by the learned counsel for the petitioner with a direction to the trial court to expedite the trial but even after lapse of one year, the trial has not yet commenced. In this view of the fact, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within 3½ months after holding the trial on day to day basis from the date of production/receipt of the order.



If the trial is not concluded within 3½ months from the date of production/receipt of the order, the petitioner may renew his prayer for bail.

The S.S.P., Patna or A.S.P., Danapur is directed to ensure the attendance of the witnesses before the trial court on each and every date. Let a copy of this order be sent to S.S.P., Patna for information and needful.

(Prabhat Kumar Jha, J)

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