

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84964 of 2019**

Arising Out of PS. Case No.-123 Year-2017 Thana- TEGHRHA District- Begusarai

VENKAT SINGH @ VENKATESH KUMAR @ VANKATWA @
VANKATESH SINGH S/o Vijay Singh R/o village- Madurampur, Dakshin
Tola, P.S.- Teghra, District- Begusarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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

6 22-09-2020 Heard learned counsel for the petitioner and Mr. Ram
Priya Sharan Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Teghra P.S. Case No. 123 of 2017
registered for the offences punishable under Sections 147, 148,
149, 323, 447, 307, 302, 386, 504, 506, 341, 114 of the Indian
Penal Code and Section 27 of the Arms Act.

Earlier prayer for regular bail of the petitioner was
rejected by the learned Predecessor Court vide order dated
24.09.2018 passed in Cr. Misc. No. 40993 of 2018 for the
reason that allegation against the petitioner is that of firing on
the deceased.

Learned counsel for the petitioner submits that in this
case the petitioner is in custody since 20.07.2019 and till date



only charge has been framed against him. It is his further submission that although this petitioner has got criminal antecedent and altogether 13 cases are there against the petitioner including this case but in 11 cases he has been granted bail. The details are mentioned in paragraph '3' of the application.

Submission of learned counsel for the petitioner at this stage is that in all the 12 cases the petitioner has been granted bail.

Learned counsel for the petitioner submits that from the first information report it will appear that the allegation of firing is against three persons including this petitioner but two of them have already been granted regular bail, hence, considering the period of custody of the petitioner and the report of the learned court below showing that no witness at all has been examined till date in course of trial, the petitioner may be enlarged on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is his submission that this petitioner has got huge criminal antecedent and earlier the prayer for bail of the petitioner was rejected after finding that there is a direct allegation against him of opening fire which



killed one Ramchandra Das. It is submitted that in the case diary specific allegation has been made against this petitioner and it is he who fired on the chest of the deceased which ultimately proved fatal.

Learned APP therefore, submits that the period of custody is not required to be taken into consideration on the face of the direct allegation against the petitioner and his criminal antecedent.

Having regard to the facts and circumstances of the case, this Court is inclined to agree with the submissions of learned APP for the State. In the case diary witnesses have stated that this petitioner had fired on the chest of the deceased and the post mortem report also corroborates the injury, further his prayer for regular bail has earlier been rejected on merit and the petitioner has got huge criminal antecedent. The report of learned Additional Sessions Judge IV, Begusarai shows that charges have already been framed.

In this view of the matter while refusing to grant bail to the petitioner, this Court directs the learned trial court to start the trial at the earliest opportunity and considering that the charges have been framed in this case as back as on 04.12.2019, the trial court shall conduct the trial on day-to-day basis or by



giving a short adjournment only that too in appropriate
circumstance and conclude the trial preferably within a period
of nine months from the date of start of physical court.

This application stands 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'.

