

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8076 of 2020

Arising Out of PS. Case No.-299 Year-2016 Thana- KHAJANCHI HAT District- Purnia

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PRAVEEN KUMAR SINHA, S/o Vijay Kumar Resident of Mohalla-
Hanuman Nagar, P.S.- Laheri (Murarpur), District- Nalanda, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Narayan Singh, Advocate
		Mr. Kundan Rathore, Advocate
For the Opposite Party/s :		Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-01-2021 Heard the learned counsel for the parties.

The petitioner seeks bail in connection with K.
Hat (District – Purnia) P. S. Case No. 299 of 2016
dated 10.07.2016 instituted for the offences under
Sections 304(B) and 34 of the Indian Penal Code.

The petitioner is the husband of the deceased.
His prayer for bail earlier was rejected by this Court *vide*
order dated 11.01.2018 passed in Cr. Misc. No. 56273
of 2017.

The allegation in the F.I.R. is of killing the
deceased by means of a sharp cutting weapon. The



cause of death was because of the sharp cut injury in the neck of the deceased. A knife also was found from the place of occurrence.

This Court had, taking into account that the petitioner is in custody since 11.07.2016, called for a report about the stage of the case.

The report reveals a very sorry state of affairs.

It has been communicated to this Court that the case is pending for appearance of another accused person, namely, Pawan Kumar Sinha, against whom processes under Sections 82 and 83 Cr.P.C. have been initiated.

The trial of the petitioner ought to have been separated by now and the court below should have proceeded with the trial of the petitioner. The trial court ought to have understood that the petitioner is in custody since 11.07.2016 and only on the ground of non-appearance of another accused person, the matter should not have been allowed to hang fire so far as the



petitioner is concerned for all this while.

The trial court is directed to separate the trial of the petitioner forthwith and proceed with his trial and conclude the same within a period of nine months.

If there is no substantial progress in the trial within the aforesaid period, the petitioner would be at liberty to approach the trial court for grant of bail and in that event the court below shall be under an obligation to record the reasons for not completing the trial proceedings even though the petitioner is in custody since 11.07.2016.

The petition stands disposed off.

(Ashutosh Kumar, J)

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