

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21168 of 2021**

Arising Out of PS. Case No.-342 Year-2019 Thana- BIHTA District- Patna

=====

Ujjwal Kumar @ Ujjwal @ Awanish Kumar Son of Late Madan Mohan
Sharma @ Madan Mohan Resident of Village- Bhelura, P.s.- Janipur, District-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr.Satyendra Prasad,APP

=====

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

4 01-09-2021 Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned APP for the State.

This is the second attempt of the petitioner to obtain
regular bail in connection with S.T. No. 339 of 2020 arising out
of Bihta P.S. Case No. 342 of 2019 registered for the offences
punishable under Sections 385, 387, 307, 120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was
rejected by this Court vide order dated 03.06.2020 after noticing
the kind of allegations and the kind of criminal antecedents of
the petitioner. Considering the custody of the petitioner in this
case this Court observed that if the trial is not concluded within
a period of nine months, the petitioner may renew his prayer for
regular bail.

It is the submission of learned APP for the State that after the rejection of prayer for bail of the petitioner in fact the learned trial court was not functioning physically and only limited number of cases were being taken, now the court has opened in hybrid mode and as such some more time may be required to conclude the trial in the present case.

This Court had called for a report from the learned trial court which has been made available vide letter no. 622 dated 31.08.2021. According to this report, the case is fixed for appearance of the two co-accused. The court has issued summons to them but they have yet not appeared. It is reported that as soon as they appear, the learned trial court will take steps for commitment and thereafter period of one year may be taken in conclusion of trial.

Learned counsel for the petitioner submits that out of 10 cases against him, the petitioner has got bail in 8 cases and in two cases still bail has not been allowed to him. Learned counsel is unable to say as to in which case the bail has not been granted.

In the entirety of the facts and circumstances of the case, considering that because of pandemic situation the case has not proceeded and the two co-accused are also delaying the progress in the case, this Court is not inclined to release the

petitioner on bail at this stage.

The trial court is directed to proceed with the case as early as possible, take steps either to procure the attendance of the co-accused in accordance with law as soon as possible and/or separate the records of the petitioner and conclude the trial preferably within a period of six months from the date of communication of this order.

The prosecution must cooperate in producing the witnesses. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.