

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24979 of 2020

Arising Out of PS. Case No.-194 Year-2018 Thana- DHANARUA District- Patna

Birendra Bind @ Virendra Bind S/o Budha Bind Resident of Village-Bir Bind
Toli, P.S.-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-01-2021 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioner and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 1038 of 2019, arising out of Dhanarua P.S. Case No. 194 of 2018 dated 05.06.2018 instituted for the offence under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected *vide* order dated 27.09.2019 passed in Cr. Misc. No. 43012 of 2019.

The petitioner is in custody since 09.07.2018.

On the last occasion, this Court had called for a report from the court below about the stage of the case.



The report has since been received which indicates that no witness has yet been examined in this case. This is perhaps because of Covid-19 Pandemic closure of course.

The trial cannot be kept pending under the garb of Covid-19 Pandemic, especially when the petitioner is in custody for approximately 2½ years.

Though this Court is not inclined to grant bail to the petitioner for the present and the prayer for bail is rejected but the trial court is directed to start the process of trial in right earnest and try and conclude the same within a period of nine months positively.

In case there is no substantial progress in the case within next six months, it would be open for the petitioner to approach the trial court for grant of bail and in that event the court below shall be under an obligation to record the reason for non-conclusion of the trial.

(Ashutosh Kumar, J)

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