

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34669 of 2021

Arising Out of PS. Case No.-124 Year-2019 Thana- JANDAHA District- Vaishali

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Anil Baitha Son Of Jaleshwar Baitha Resident Of Village - Gopalpur, P.O.-
Purkhauli, P.S.- Vaishali, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 17774 of 2020

Arising Out of PS. Case No.-124 Year-2019 Thana- JANDAHA District- Vaishali

=====

Anil Baitha S/O Jaleshwar Baitha R/O Village- Gopalpur, P.O.- Purkhoul, P.S.- Vaishali, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 34669 of 2021)

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 17774 of 2020)

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 15-12-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Sevak Choudhary, learned APP for the State and Mr. Shantanu
Kumar, learned APP for the State in Cr. Misc. No. 17774 of
2020 and Cr. Misc. No. 34669 of 2021 respectively.

With reference to the order passed by this Court on



28.09.2020 in Cr. Misc. No. 17774 of 2020 and the subsequent orders passed in Cr. Misc. No. 34669 of 2021, this Court has been informed that a regular case being RC0922021S0003 has been registered against the petitioner. The petitioner has got altogether 14 cases on his head out of which in 7 cases he is on bail.

Mr. Ram Sevak Choudhary, learned APP for the State has informed that since the petitioner had obtained bail in those cases by concealment of his criminal antecedents, in 6 cases out of 7 application seeking cancellation of bail has already been filed. In one of the cases, since the said case is of the year 1998, steps have been taken to obtain the relevant papers and the application seeking cancellation of bail shall be filed in the said case as well within the shortest possible time.

This Court has recorded this information with a view to remind the concerned authorities to ensure that action towards cancellation of bail must be persuaded without losing further time. It is expected that such application shall be moved before the concerned courts by the public prosecutors without seeking unnecessary adjournment.

So far as the present case is concerned, Mr. Shyameshwar Kumar Singh, learned counsel for the petitioner



submits that the FIR has been lodged under Section 13(1)(a)(b) of the UAPA Act and Section 25(1-b)a/26/35 of the Arms Act. Earlier the prayer for bail of the petitioner was rejected considering his conduct. The petitioner is in custody in connection with this case since 11.01.2020, therefore, at this stage, he would be satisfied if this Court directs the learned court below to expedite the trial of this case.

Mr. Shantanu Kumar, learned APP for the State submits that considering the kind of allegations and involvement of the petitioner coupled with the fact that he has obtained bail in 7 cases by concealment of his criminal antecedents and has altogether 14 criminal antecedents on his head, his release at this stage is likely to result in a potential threat to the witnesses and delay in conclusion of trial. Learned APP, however, is not averse to the submission that the learned trial court may be directed to conclude the trial as early as possible.

Having regard to the submissions noted hereinabove, this Court is of the considered opinion that at this stage, this Court finds no fresh material to take a different view as regards prayer for bail of the petitioner. The prayer for bail of the petitioner is, thus, refused.

Let the trial court proceed with the trial as early as



possible and all endeavours be made to conclude the trial within reasonable period.

In the exceptional circumstance of this case, this Court deems it just and proper to direct that a copy of this order be sent to the learned District Judge, Vaishali to ensure that in all the cases pending against the petitioner in the Civil Court, Vaishali at Hajipur the Court must proceed with the case in accordance with law and appropriate steps be taken to conclude the trial.

Let a copy of this order be placed on the record of all the cases and the same be brought to the knowledge of the learned Presiding Officers of the courts.

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'.

