

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37250 of 2021

Arising Out of PS. Case No.-128 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

SANTOSH KUMAR YADAV @ SANTOSH KUMAR Son of Lalan Rai
Resident of Village- Roop Chhapra (Nawada), P.S.- Sahebganj, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
Mr. Pawan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2021 Heard Mr. Upendra Kumar Chaubey, learned Advocate for the petitioner and Mr. Pawan Kumar Singh for the informant. The State is represented by Mr. Jharkhandi Upadhyay, learned APP.

The prayer for bail of the petitioner was earlier rejected vide order dated 31.08.2020 passed in Cr. Misc. No. 16539 of 2020.

The petitioner is alleged to have ordered for killing of his own cousin, who is the deceased of this case. The petitioner is in custody since 14.11.2019. This Court had earlier called for a report about the stage of the case from the court below. Though the report indicates that only charges have been framed but the learned counsel for the parties have informed this Court



that two witnesses have up till now been examined.

Regard being had to the nature of accusation against the petitioner, I am not inclined to grant bail to him.

The prayer for bail is rejected.

However, looking at the period of custody, this Court directs the trial court to conclude the trial positively within a period of nine months to be counted from the date of receipt/production of a copy of this order. In case there is no substantial progress in the case within the 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 indicate the reasons for the tardy progress of the trial.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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