

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38410 of 2021

Arising Out of PS. Case No.-563 Year-2018 Thana- BARAUNI District- Begusarai

Champak Jha S/O Late Shambhunath Jha @ Late Shambhu Jha @ Shambhu
Jha R/O Village-Kil, Garhara, Ward No.13, P.S-Barauni, District Begusarai
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-10-2021 Heard learned counsel for the petitioner and Mr. Binod
Kumar, learned APP for the State.

This is the third attempt of the petitioner to obtain regular bail in connection with Barauni P.S. Case No. 563 of 2018 registered for the offences punishable under Sections 302, 386, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected in Cri. Misc. No. 51889 of 2019 and Cri. Misc. No. 24058 of 2020 after noticing the specific allegation against the petitioner and the statement of the injured who ultimately succumbed to the injury.

Learned counsel for the petitioner submits that the petitioner is in custody for about 3 years but the trial is not being concluded, therefore, the petitioner be released on bail.

Learned APP for the State submits that due to the Pandemic situation the case could not proceed and, therefore, that



may not be a good ground to release the petitioner considering the gravity of the offence alleged against him.

In this case, the Court has called for a report from the learned trial court. It appears that the learned trial court has already framed the charge and summons have been issued to the prosecution witnesses.

In the given facts and circumstances of the case, in the nature of the gravity of offence and the materials on the record no case for bail is made out on the solitary ground of delay in conclusion of trial at this stage.

The learned trial court is expected to proceed with the trial in terms of the observations of this Court recorded in the order dated 12.10.2020 and conclude the same as early as possible preferably within a period of one year from the date of communication of this order. 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)

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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'.

