

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42658 of 2021

Arising Out of PS. Case No.-499 Year-2017 Thana- RUPASPUR District- Patna

NANDAN KUMAR SINGH @ NITISH KUMAR S/o Late Rajendra Singh
R/O Village - Dariyapur, P.S. - Dhobaha, O.P. (Ara Muffasil), Dist. - Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-11-2021 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

This is the third attempt of the petitioner to obtain regular bail in connection with Rupaspur P.S. Case No. 499 of 2017 registered for the offence under Section 399/402 of the Indian Penal Code and 25(1-b)a, 36/35 of the Arms Act.

Earlier his prayer for bail has been rejected by this Court in Cr. Misc. No. 37160/2018 and Cr. Misc. No. 29447/2019 after taking note of the twelve criminal antecedents of the petitioner.

Learned counsel for the petitioner submits that so far as the present case is concerned, he has been arrested with 7.65 mm pistol and three live cartridges and in this case he is in custody since 25.12.2017. It is his submission that for no fault



on the part of the petitioner if has remained in custody for about four years and the trial has yet not begun, the petitioner deserves privilege of bail on such terms and conditions which this court may deem just and proper to secure his presence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner mainly on the ground that he has got 12 criminal antecedents.

This Court has called for a report from the learned trial court. it appears from the said report that commitment has already taken place in case of this petitioner and co-accused Botal Mahto and the case was fixed before the learned Sessions Judge for further proceeding on 28.10.2021. Rest five accused persons in this case are absent and process have been issued against them.

In the given facts and circumstances of this case where this Court has earlier rejected the prayer for bail of the petitioner twice, however the petitioner has remained in custody since 25.12.2017 and this court has noticed that in Cr. Misc. No. 17225/2019 the co-accused Botal Mahto has been granted bail by a learned coordinate Bench of this court after noticing that the said petitioner is an accused in 21 other cases, this Court is of the considered opinion that if the prosecution fails to produce



the witnesses in the learned Session Court and for that reason the trial remains unconcluded within a period of four months from the date of communication of this order, the petitioner shall be enlarged on bail on furnishing bail bond and subject to such conditions which the learned trial court may deem just and proper to secure presence of the petitioner.

In order to expedite the trial and conclude the same preferably within a period of four months from the date of communication of this order, the trial court is expected to keep the records of this case in physical court with short intervals and the Public Prosecutor be directed to produce the witnesses on the date fixed in the matter.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

