

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41687 of 2021

Arising Out of PS. Case No.-52 Year-2019 Thana- BAKHTIYARPUR District- Patna

SANNI SINGH S/O RAVINDRA SINGH @ BINOD SINGH R/O
RAGHOPUR, P.S-JURAWANPUR ,DISTRICT-VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 22-12-2021 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with Bakhtiyarpur P.S. Case No.52 of 2019 registered for the offences punishable under Section 395 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected after noticing that the petitioner had got altogether nine cases on his head. So far as the present case is concerned, it is the submission of learned counsel for the petitioner that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused and nothing incriminating has been recovered from the possession of the petitioner.



Earlier when this case was taken up for consideration, this Court called for a report from the learned trial court as to the present stage of the trial and the time likely to be taken in conclusion thereof. This Court also took note of the information that though in the report of the Senior Superintendent of Police, Patna it is stated that the petitioner has got nine cases, in fact in those nine cases which are being claimed against the petitioner, the I.O. had not filed any requisition to take the petitioner on remand and there was no remand of the petitioner in those cases. It was thus the submission of learned counsel for the petitioner that the petitioner had no knowledge of his having been involved in other nine cases.

This Court while recording these submissions in its order dated 17.11.2021, called for a report from the Senior Superintendent of Police, Patna to submit as to whether the submissions made are correct and if the petitioner was not remanded in those cases, the reasons thereof.

The trial court report shows that the case is still pending for framing of charge. Production warrant has been issued against three accused persons namely Guddu Kumar, Prakash Kumar and Sonu Kumar. Another co-accused Rahul Kumar has submitted a petition that he is in custody in Beur Jail



in connection with Didarganj P.S. Case No.163 of 2019. The co-accused Lablu Singh is in custody in connection with Patrakar Nagar P.S. Case No.655 of 2020 in Central Jail, Beur at Patna and production warrant has been issued against him also to produce him on the next date so that the charge may be framed.

The Senior Superintendent of Police, Patna has filed a counter affidavit in which the cases against the petitioner have been explained. A perusal of the counter affidavit does show that in some of the cases the I.O. had not filed requisition to take the petitioner on remand and only after the order of this Court some instructions were issued by the Superintendent of Police (Rural), Patna to the I.O. Still there were three cases pending in which the petitioner had not been taken on remand.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the materials which have been placed before this Court at this stage, the submission of learned counsel for the petitioner that the petitioner is in custody in connection with this case since 07.12.2019 i.e. for more than two years by now, this Court is, however, of the considered opinion that for the present release of the petitioner may delay the conclusion of the trial because there are several co-accused



against whom production warrants have been issued and the case is pending for framing of charge but at the same time the petitioner cannot be kept in incarceration for an indefinite period, therefore, this Court directs the learned court below to frame charge on the next date and expedite the trial. All endeavours be made to conclude the trial within a period of six months from the date of framing of charge by keeping the records on day to day basis, in case the trial is still not concluded for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

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'.

