

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42656 of 2021

Arising Out of PS. Case No.-53 Year-2019 Thana- KIUL RAIL P.S. District- Lakhisarai

PAPPU SINGH @ PAPPU KUMAR S/o- Lalo Singh Resident of Village-
Jhikarua, P.S.- Narhat, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-11-2021 This is the 3rd attempt of the petitioner to obtain bail
in connection with Sessions Trial No.111/2019 arising out of
G.R.P./Kiul (Nawada) P.S. Case No.53 of 2019 registered for
the offences punishable under Section 395 of the Indian Penal
Code.

Lastly on 24.02.2021 while rejecting his second attempt to obtain bail, this Court noticed that the petitioner is in custody since 27.03.2019 and the case was fixed for evidence of some of the prosecution witnesses, accepted the time frame given by the learned trial court expecting conclusion of trial within a period of three months, however the trial remained unconcluded.

This time a fresh report has been called for from the learned trial court. The report as contained in letter no.83 dated



16.10.2021 submitted by the learned Additional Sessions Judge-III, Lakhisarai shows that six prosecution witnesses have already been examined and the rest of the evidence could not be taken up due to Pandemic Corona Virus. The case was fixed for evidence on 21.10.2021 and the learned trial court expects conclusion of the trial within three months.

Learned APP for the State submits that since the further evidence could not be taken up due to pandemic situation in which the court was not functioning physically, some time is required to be given to the learned trial court to conclude the trial.

Having regard to the facts and circumstances of the case and the fact that on previous two occasions this Court had rejected the prayer for bail of the petitioner expecting conclusion of the trial on an early date, this Court is of the considered opinion that the learned trial court must take all endeavours to conclude the trial within a period of three months from the date of communication of this order. For this purpose, the records may be kept in the physical court with short intervals and the prosecution must cooperate in conclusion of the trial by producing witnesses on the dates fixed in the matter.

Despite this, if the trial remains unconcluded within



the given period of three months from the date of communication of this order for no reason attributable to the petitioner, he shall be released on bail on furnishing bail bond to the satisfaction of the learned trial court.

Let a copy of this order be communicated to the Superintendent of Police, Lakhisarai to ensure production of the prosecution witnesses on the dates fixed in the matter.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

