

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34446 of 2020

Arising Out of PS. Case No.-23 Year-2018 Thana- RUPASPUR District- Patna

SUBODH SINGH Son of Ishwari Prasad Singh @ Ishwari Singh Resident of Village - Chistipur, P.S.- Chandi, District - Nalanda, Presently residing at in the house of Jitendra Chaudhary, Arpana Bank Colony, Ram Jaipal Road, Near Ganga City, P.S.- Rupaspur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 09-03-2021 Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Uday Pratap Singh, learned A.P.P.

The petitioner seeks bail in Rupaspur P.S. Case No.23 of 2018 registered under Sections 412, 467, 468, 471, 420 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that prayer for bail of the petitioner was earlier rejected by a Co-ordinate Bench of this Court by order dated 26.02.2020 passed in Cr. Misc. No.46293 of 2019 with an observation that the petitioner was in jail for a long period and, therefore, the trial was directed to be expedited and to be concluded within six months but about more than one year has already elapsed. The trial has not been concluded. The report with regard to stage of



trial was called for and the learned Additional Sessions Judge II, Danapur reported that on account of outbreak of covid-19, no physical court was held and, therefore, the trial could not have been commenced. Learned Additional Sessions Judge has further reported that after commencement of the normal functioning of the Court, the trial shall be concluded as soon as possible.

Mr. Sanjay Kumar, learned counsel for the petitioner submits that save and except the confession of the petitioner, there is no material to show the involvement of the petitioner. The petitioner submits that he is not the owner of the gold said to have been recovered from his possession but it appears that on the confession of the petitioner, the gold was recovered from the pillow of the room in which two persons were residing. About 14 kgs. gold was recovered which is alleged to be looted one.

Taking into consideration the facts aforesaid and the fact that the trial of the petitioner was stalled on account of non-functioning of physical court, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the same is rejected.

Since the petitioner has remained in jail for more than three years, the trial court is directed to hold the trial on day to



day basis and conclude the same within four months from the date of receipt of this order.

The Sr.S.P./S.P.(West), Patna is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded positively within four months.

If the trial is not concluded within four months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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