

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47944 of 2021

Arising Out of PS. Case No.-173 Year-2019 Thana- AGAMKUAN District- Patna

Chhotu @ Prince, aged about 35 years (Male), son of Sunil Prasad @ Sunil Kumar, resident of Chaudhary Tola Petrol Pump, Azad Lane, P.S. - Sultanganj, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

With

CRIMINAL MISCELLANEOUS No. 48823 of 2021

Arising Out of PS. Case No.-173 Year-2019 Thana- AGAMKUAN District- Patna

Vicky Pandey @sanjay Pandey, aged about 32 yeas (Male), son of Ganesh Pandey, resident of village – Hathyakand Sarai, P.S. - Maner, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47944 of 2021)

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 48823 of 2021)

For the Petitioner/s : Mr.Sunil Kumar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioners and Mr. Ashok Kumar Singh, learned A.P.P. for the State.

This is the third attempt of the petitioners to obtain bail in connection with S. Tr. No. 836 of 2019 arising out of Agamkuan P.S. Case No. 173 of 2019 registered for the offence under Sections 393, 397 of the Indian Penal Code and later on Section 120(B) I.P.C. has been added.



Earlier prayer for bail of the petitioners has been rejected vide order dated 05.10.2020 passed in Cr. Misc. No. 22263 of 2020 and Cr. Misc. No. 22661 of 2020.

Learned counsel for the petitioners submits that the trial of this case is at fag end and only four remaining prosecution witnesses are to be examined. Petitioners are in custody since 08.04.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the reasons and rationale provided in the order dated 05.10.2020 passed in Cr. Misc. No. 22263 of 2020 and Cr. Misc. No. 22661 of 2020 and further taking into consideration the submission of learned counsel for the petitioners that now the trial is at fag end and only four remaining prosecution witnesses are to be examined, this Court is not inclined to release the petitioners on bail at this stage.

This Court would, however, take note of the submission of learned counsel for the petitioners that despite the observation of this Court directly drawing the attention of the Senior Superintendent of Police, Patna, despite service of summons on the police officials who are witnesses in this case, they are not turning up, this Court directs the Senior



Superintendent of Police, Patna to personally ensure that the official witnesses in this case must be present on the date fixed in the matter. Failure to abide by this would be taken as a failure on his part in ensuring speedy justice to the under-trial prisoner and the consequences thereof shall follow.

If the trial still remains unconcluded within a period of nine months from the date of communication of this order, the petitioners will have liberty to renew his prayer for bail.

Both the applications stood dismissed.

(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'.

