

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.36533 of 2020**

Arising Out of PS. Case No.-238 Year-2016 Thana- MUFFASIL District- West Champaran

Prakash Kumar Patel Son Of Sri Ramchandra Prasad Resident Of Village -  
Banuchhapar, P.S. - Bettiah Muffasil (BANUCHHAPAR O.P.), District - West  
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      09-07-2021                      Heard learned counsel for the petitioner and Mr.  
Choubey Jawahar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail  
in connection with Sessions Trial No. 415 of 2017 arising out of  
Bettiah Muffasil P.S. Case No. 238/2016 registered for the  
offence under Sections 395/397 of the Indian Penal Code and  
Section 27 of the Arms Act, pending in the court of learned 4<sup>th</sup>  
Additional Sessions Judge, West Champaran at Bettiah.

Learned counsel for the petitioner submits that  
petitioner is not named in the First Information Report and no  
incriminating article has been recovered from his possession. It  
is submitted that because of the criminal antecedents of the  
petitioner he has been involved in this case.

In paragraph '5' of the bail petition it is recorded that



the charges were framed in this case for the offence under Section 395,397, 420, 468, 471 and 414 of the Indian Penal Code and five witnesses so far have been examined. When query made by this court learned counsel submits that in the present case there are six charge-sheet witnesses out of whom five have already been examined as stated in the petition on record, examination of rest of the witnesses he has no information.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that this petitioner has got five criminal antecedents and all are of serious nature, he has himself stated that in the case at serial no. 1 & 2 he is not on bail. So far as the present case is concerned, the learned 1<sup>st</sup> Fast Track Court has recorded that release of this petitioner at this stage is likely to adversely affect the course of trial and considering the gravity of the offences the petitioner does not deserve privilege of bail.

Considering the facts and circumstances wherein out of six charge-sheet witnesses five have already been examined in course of trial and trial is at the fag end, the gravity of offence alleged and the materials placed before this Court, this Court persuaded with the observation of the learned trial court.



This application for regular bail of the petitioner is,  
thus, refused at this stage.

Let the trial be expedited and all efforts be made to  
conclude the trial preferably within a period of six months from  
the start of normal functioning of the court. If the trial remains  
unconcluded for no reason attributable to the petitioner, he may  
renew his prayer for bail.

**(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'.

