

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11692 of 2021**

Arising Out of PS. Case No.-232 Year-2019 Thana- KASIMBAZAR District- Munger

CHHOTU @ GAURAB SINGH @ CHHOTU SINGH Son of Late Kedar Singh Resident of Village/Muhalla- Kathghar Tola, Bindwara, P.S.- Kasim Bazar District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 14-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kasim Bazar P.S. Case No.232/2019 registered for the offences punishable under Section 394 of the Indian Penal Code. Later on Sections 395, 397 and 412 of the Indian Penal Code were also added. He is in custody since 17.10.2019. He has got three criminal antecedents and claims to be on bail in all the three cases.

As per the prosecution story, some miscreants entered

in the house of the brother of the informant. When the informant went there, the door was found closed from inside. Thereafter, the door was broken and the informant went inside the house and found that his brother and bhabhi were in unconscious condition, both had suffered head injuries and the articles kept in the house were found scattered. The informant suspected that 3-4 thieves entered in the house with an intention to commit theft and they injured his brother and bhabhi and took away the cash and other articles.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected by a learned Predecessor Bench of this Court with an observation that the prayer for bail is rejected for the present. According to him, in course of investigation the bhabhi of the informant was examined by police on 30.09.2019. She claims that there were two miscreants from her village itself, but she did not disclose that the miscreants had taken away any money or articles from her house. She claims that out of three, two were from the same village.

Learned counsel submits that on the next day itself the petitioner was arrested. His confessional statement was extracted and from his house recovery has been shown in course

of raid conducted on 30.12.2019, however during the Test Identification Parade, it is not known as to whether the petitioner was identified. There is no such disclosure in paragraph '119' of the case diary.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner comes from the same village and the information disclosed by the brother and bhabhi of the informant have been substantiated in course of investigation with the arrest of the petitioner from whose house some looted articles have been recovered. It is submitted that the trial in this case has commenced as the charge has already been framed and considering the criminal antecedent of the petitioner and that he comes from the same village from where the victim belongs, it would not be proper to enlarge him on bail at this stage.

Considering the facts and circumstances of the case, as discussed above, this Court, agreeing with the submissions of learned APP for the State, is not inclined to release the petitioner on bail.

The trial court has indicated that the trial may be concluded within five months after commencement of the court in regular/physical mode. Let the trial be concluded preferably

within a period of five months as indicated in the report of the learned trial court.

If the trial is not concluded within the aforesaid period from the date of communication of this order, the petitioner may renew his prayer for bail. The trial court shall keep the records on the dates fixed for physical mode of court workings and the prosecution must cooperate by producing all the witnesses.

The application stands disposed off 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'.