

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56076 of 2021

Arising Out of PS. Case No.-343 Year-2017 Thana- BIKRAM District- Patna

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PINTU KUMAR @ PINTU SAO Son of Lilku Saw Resident of Village - Tari
Par, P.S.- Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-11-2021 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 learned

A.P.P. for the State.

This is the second attempt of the petitioner to obtain

bail in connection with Session Trial No.1039/2019 arising out

of Bikram P.S. Case No.343 of 2017 registered for the offences

punishable under Sections 304(B) and 120(B)/34 of the Indian

Penal Code.

While rejecting the prayer for bail of the petitioner on

08.09.2020 in Cr.Misc.No.17838 of 2020, this Court recorded

its observations in the following words:-

“Having regard to the facts and



circumstances of the case this Court finds that because of the laches on the part of the prosecution in not producing the petitioner for framing of charge the case has not proceeded. Let this be brought to the notice of the Senior Superintendent of Police of Patna who will ensure that the petitioner is produced on the next date in the trial court, if necessary through the help of video application for purpose of framing of charge.

The trial court is also directed to ensure so that the case may be proceeded.

Since the petitioner has remained in custody for about two years nine months by now, it is expedient that the trial is conducted on day-to-day basis, thus, the trial court is directed to conduct the trial on day-to-day basis after start of physical court and the court would not grant any adjournment unless it is absolutely necessary and in the interest of justice. The trial be concluded within six months preferably, after start of physical court failing which the petitioner may renew his prayer for bail provided the trial is not delayed because of any delaying tactics on his part. This Court for the present is not inclined to grant regular bail to the petitioner.”

Today, learned counsel for the petitioner has informed that despite the aforesaid order it took about 5-6 months in framing of charge and thereafter not a single witness has come forward to depose. In such circumstance, it is submitted that considering the fact that the petitioner has remained in custody in connection with this case for almost four years and this Court's observation was that the petitioner may renew his prayer for bail if the trial is not concluded within six months, the prayer



for bail of the petitioner be considered.

Mr. Md. Fahimuddin, learned APP for the State does not dispute that in this case the petitioner is in custody for almost four years.

Considering the aforesaid submissions on behalf of the petitioner particularly that the trial has not progressed despite framing of charge about six months back, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II, Danapur, Patna in connection with Session Trial No.1039 of 2019 arising out of Bikram P.S. Case No.343 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that the petitioner shall attend



the trial on each and every date fixed in the matter, however,
two consecutive defaults on the part of the petitioner in putting
appearance before the learned court below shall invite action
towards cancellation of bail.

(Rajeev Ranjan Prasad, J)

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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'.

