

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.332 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- DHANARUA District- Patna

KUNNU KUMAR Son of Naga Ram @ Baleshwar Prasad Resident of
Village - Deodaha, P.S.- Dhanarua, Distt.- Patna.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Anil Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-04-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Appellant, in the present case, is seeking regular bail in connection with Special Case No. 43/2019 arising out of Dhanarua P.S. Case No. 45 of 2019 registered for the offence under Section 363, 365, 366, 341, 342, 376/34 of Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellant submits that earlier the prayer for regular bail of the appellant was rejected by this Court vide order dated 15.11.2019 passed in Cr.Appeal (SJ) No. 2419/2019 after taking note of the statement of the witnesses in paragraph 5 & 9 of the case diary. The learned coordinate Bench while rejecting the prayer for bail directed the learned trial court to conclude the trial as expeditiously as possible preferably



within six months and the SSP, Patna was directed to ensure production of the witnesses in the case on each and every date fixed without fail. It is submitted that the witnesses named in paragraph 5 & 9 of the case diary have deposed in course of trial but have not supported the prosecution.

This Court had earlier called for a report from the learned trial court. The report has been received. This Court has been informed that in this case charge has been framed on 17.12.2020 and two prosecution witnesses have been examined so far out of six witnesses named in the charge-sheet. The learned trial court has, however, not indicated the steps taken so far to get appearance of the witnesses and the period likely to be taken in conclusion of trial. This Court, therefore, finds that the report sent by the learned trial court is only half-hearted report. In future, it would be expected that the learned trial court would send the report in terms of the order of this Court.

Learned Special P.P. for the State submits that there was an observation to conclude the trial within a period of six months but because of the intervening Covid-19 situation the trial court did not run smoothly and that may be one of the reasons for non-conclusion of trial.

Having regard to the facts and circumstances of the



case, this Court is not inclined to grant bail to the appellant at this stage. The Court expects that the learned trial court shall conclude the trial within a period of four months from today.

The learned trial court shall fix the case on day to day basis and as directed earlier by this Court's order dated 15.11.2019, the SSP, Patna shall ensure production of the witnesses in the case on each and every date fixed in the matter. If the trial remains unconcluded for a period of four months for no reasons attributable to the appellant, he may renew his prayer for bail.

This application stands disposed of accordingly.

(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'.

