

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8099 of 2021**

Arising Out of PS. Case No.-284 Year-2016 Thana- NOORSARAI District- Nalanda

KAMLESH YADAV Son of Late Kirpal Yadav Resident of - Malbigha,
Dosut, Dosul, P.S.- Noorsarai, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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

3 16-06-2021 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.

Petitioner in the present case is seeking regular bail in connection with Session's Trial No. 322 of 2017 and Session's Trial No. 408 of 2017 arising out of Noorsarai P.S. Case No. 284 of 2016 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that after the rejection of the prayer for bail in Cr. Misc. No. 12880 of



2020, the case was being heard but the learned District and Sessions Judge, Nalanda withdrew the record to his own court and for that reason the trial could not be concluded within the time indicated by this Court in the rejection order.

Learned counsel further submits that the petitioner is in custody for more than four years in connection with this case and despite several observation of this Court, the trial has not yet been concluded.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail. It is submitted that earlier, the prayer for bail of the petitioner was rejected twice on merit but so far as the conclusion of the trial is concerned, due to the present pandemic situation the trial courts are not functioning with full strength and time, therefore, the delay has occurred.

Earlier this Court had called for a report from the learned trial court which has been received by Letter No. 57 of 2021 dated 17th May, 2021. The learned trial court requested this Court to grant three months further time for disposal of the case. In Letter No. 57 of 2021 it is recorded that the record has been received to the learned 1st Additional and District Sessions Judge, Biharsharif (Nalanda) on 25.11.2020 on transfer from the court of learned District and Sessions Judge, Nalanda and



the record was fixed for argument. It is further observed in the said letter despite several direction given to the defence for concluding the trial, the defence did not cooperate and the matter is being lingered by the defence itself.

Mr. Lal, learned counsel for the petitioner has though contested otherwise, in view of the present pandemic situation, this Court is inclined to accept the request of learned trial court. This Court is not inclined to grant bail to the petitioner. The trial is at the fag end and the trial court is expected to conclude the trial within three months from today. The defence must cooperate in early conclusion of trial. The trial court would fix the matter even in virtual mode and hear the defence and conclude the trial within the aforesaid period. If the trial is not concluded for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

Rishi/-

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'.

