

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 4599 of 2021

Arising Out of PS. Case No.-115 Year-2017 Thana- CHANDI District- Bhojpur

ABHISEK KUMAR @ ABHISHEK KUMAR Son of Anil Kumar Singh @
Anil Kumar Resident of Village-Lodipur, P.S.-Chandi, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s	:	Mr Yogesh Chandra Verma, Sr Advocate with Mr Amrendra Kumar, Advocate
For the Opposite Party/s	:	Mr Manoj Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

5 03-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned senior counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The learned senior counsel for the petitioner has
submitted that there are many infirmities in the material
collected during the course of investigation as well as the fact
that the First Information Report is antedated is also an
indication of the falsity of the allegations. The statement of the
informant is also not reliable. The petitioner had earlier
approached this Court for grant of bail in Cr Misc No 87498 of
2019. The same was rejected with a direction to the trial Court
to expedite the trial (Annexure 1). Three years have lapsed
since then. It is, therefore, submitted by the learned senior
counsel that such lapse of time is a clear indication that the trial



Court had made no efforts to expedite the trial. The report dated 17.07.2021 also indicates that till date, no prosecution witness has been examined.

The learned APP submits that the informant has stated about the petitioner firing upon his father along with others. The post mortem report shows at least nine wounds of entry. The instant case is one of the brutal killing and, therefore, considering all aspects of the matter, petitioner's prayer for bail was rejected.

Having considered the rival submissions, this Court would keep in background the COVID – 19 Pandemic related restrictions limiting the Court's functioning for more than one and half years.

Under such circumstances, this Court would reject the petitioner's prayer for bail again.

However, this Court would observe that all efforts should be made by the Court concerned to expedite the trial without granting unnecessary adjournments and without any undue delay.

(Madhuresh Prasad, J)

M.E.H./-

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