

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4164 of 2021

Arising Out of PS. Case No.-3081 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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BANSI NARAYAN UPADHAYAY SON OF LATE CHANDRA BANSI NARAYAN UPADHYAY RESIDENT OF VILLAGE-CHANDA, P.S.-BRAHMPUR, DISTRICT-BUXAR (BIHAR), AT PRESENT RESIDING AT FLAT NO 204, VARUN VIHAR, NEAR MAMTA APARTMENT, SHIVPURI, P.S.-SHASTRI NAGAR, DISTRICT-PATNA (BIHAR).

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. SANJIV KUMAR PANDIT @ SANJIV PANDIT S/O LATE RADHA PRASAD PANDIT RESIDENT OF VILLAGE-HARPUR, P.O.-HARPUR, P.S.-RAJPUR, DISTRICT-BUXAR (BIHAR).

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Saket Gupta, Advocate
For the State	:	Mr. Ram Anurag Singh, APP
For the O.P. No. 2	:	Mr. Harsh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-02-2021 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No. 2 and learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Patna Complaint Case No. 3081 (C) of 2013 registered for the offence under Section 420 of the Indian Penal Code, 1860 and Section 138 of the Negotiable Instrument Act, 1861.

Earlier the prayer for regular bail of the petitioner was rejected by this Court vide order dated 29.05.2020 passed in



Cr. Misc. No. 84662 of 2019 (Annexure-1).

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Learned counsel for the petitioner has submitted before this Court that there are certain materials which were not placed earlier when the prayer for bail of the petitioner was rejected by this Court. Submission on behalf of the petitioner has been pointedly contested by learned counsel for the informant.

Having heard the learned counsel for the petitioner, learned counsel for the informant as well as the learned A.P.P. for the State, considering the submissions of learned counsel for the complainant at this stage that the complaint is at the stage of evidence before charge, the complainant is ready to co-operate in early disposal of the complaint case by producing his witnesses on every date fixed in the matter and the trial itself may be concluded within a period of six months, this Court is not inclined to grant privilege of regular bail to the petitioner. His prayer for regular bail is thus refused.

Learned trial court is directed not to adjourn the case for a longer date and as has been undertaken on behalf of the



complainant before this Court, the complainant must produce his witnesses during the evidence before charge and if the occasion arises, after framing of charge, subject to any order which may be passed by the learned court below if the petitioner applies for the same. With the cooperation of the complainant and the petitioner let the trial be concluded within a period of six months from the date of receipt/production of a copy of this order.

In case the trial is not concluded within a period of six months for no reason attributable to the petitioner, the petitioner will be at liberty to renew his prayer for bail.

The application stands disposed of accordingly.

(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'.

