

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.15188 of 2021**

Arising Out of PS. Case No.-56 Year-2019 Thana- MAHARAJGANJ District- Siwan

PAPPU SINGH @ SUNIL SINGH @ SUNIL KUMAR SINGH S/o
SHIBADHAR SINGH R/o Village - G.S. Bangra, P/S- Jalalpur, District -
Saran, Chapra, State - Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajeet Singh,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

3 18-08-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Maharajganj P.S. Case No. 56 of 2019 registered for the offences punishable under Sections 413, 414, 467, 468, 420, 34 of the Indian Penal Code read with Sections 25(1-b)a, 26/35 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected vide order dated 20.11.2019 passed in Cri. Misc. No. 52091 of 2019. It appears that in connection with the present case from possession of the petitioner one country-made loaded katta, two mobile phones, one knife, one master key, ATM card and one motorcycle were recovered. The prayer for bail of the petitioner was mainly rejected for the reason that he had got 18

criminal antecedents and this Court took a view that those are serious in nature and the petitioner seems to be a habitual offender.

Learned counsel for the petitioner submits that in connection with the present case the petitioner has remained in jail for about two and half years.

Learned APP for the State submits that considering the huge criminal antecedents of the petitioner, there is every possibility that if released on bail, the trial would not be concluded in near future. The cases pending against the petitioner are about 11-17 years old.

Considering the facts and circumstances of the case, on going through the trial court's report, this Court has noticed that the case has not proceeded because two co-accused Ravinder Manjhi and Anwar Hussain who were granted bail have jumped bail and against them non-bailable warrant of arrest has been issued after cancelling the bail on 08.01.2020. They are still absconding for about one and half year.

In the circumstances stated hereinabove, this Court is though not inclined to release the petitioner on bail at this stage, directs the learned court below to take steps to separate the records of the petitioner from that of those absconding in this

case because for non-appearance of the co-accused the petitioner cannot be deprived of his right to speedy trial. Steps for framing of charge be taken within four weeks from today, thereafter the records be kept on shorter dates so as to conclude the same preferably within a period of six months from the date of start of physical functioning of the court. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

Since it has come to the notice of this Court that non-bailable warrant issued against the co-accused has remained unexecuted for so long, this Court directs the Superintendent of Police, Siwan (Chapra) to ensure execution of warrant against the co-accused immediately and in any case within four weeks from today failing which the learned court below shall bring it to the notice of this Court.

Let a copy of this order be communicated to the Superintendent of Police, Siwan (Chapra).

(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'.