

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61387 of 2021

Arising Out of PS. Case No.-38 Year-2017 Thana- WAJIRGANJ District- Gaya

NAKUL SINGH Son of Late Bachan Singh @ Shibachan Singh Resident of
Village - Kolhana, P.S.- Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shiv Shankar Sharma, Advocate Mr. Nand Kishore Prasad Sinha, Advocate
For the Opposite Party/s :	Mr. Zainul Abedin, APP Mr. Prafull Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-12-2021 Heard Mr. Shiv Shankar Sharma, learned Advocate for the petitioner and Mr. Zainul Abedin, learned APP for the State.

The prayer for bail of the petitioner was earlier thrice rejected, the last time on 24.02.2021 passed in Cr. Misc. No. 80833 of 2019.

This Court had on that occasion directed the trial court to conclude the trial positively within a period of six months, failing which the petitioner was given the liberty to approach the trial court for grant of bail during the pendency of the trial, if the delay would not be attributable to the petitioner.

After the passage of six months when the trial was not concluded, the petitioner approached the trial



court again. The trial court vide order dated 16.09.2021 has recorded that the evidence of prosecution is over and the case is pending for examination of defence witnesses.

He has further stated that in computing the period of six months, four months are required to be excluded as during those times, the courts were not functioning and it was simply impossible to record the evidence of witnesses.

Be that as it may, since the case is pending only for the examination of defence witnesses, this Court directs that if the defence brings forth its witnesses, it would be obligatory for the trial court to record their evidence and conclude the trial positively within a further period of four months. If the delay is not attributable to the petitioner, the trial court shall consider granting bail to him during the pendency of the trial.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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