

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80833 of 2019

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

NAKUL SINGH S/o Late Shi Bacchan Singh @ Bacchan Singh R/o village-
Kolhana, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh-5, APP
For the Informant	:	Mr. Bikram Deo Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 24-02-2021 Heard Mr. Sanjay Kumar Singh, learned counsel
for the petitioner and Mr. Bikram Deo Singh, for the
informant. The State is represented by Mr. Arun Kumar
Singh-5, learned APP for the State.

The petitioner seeks bail in connection with
Wazirganj P.S. Case No. 38 of 2017 dated 24.01.2017
instituted for the offences under Sections 147, 148,
149, 302, 201/120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier
twice rejected, one by order dated 08.01.2018 passed in
Cr. Misc. No. 53538 of 2017 and the other on
12.12.2018 passed in Cr. Misc. No. 49928 of 2018.

While rejecting the prayer for bail on



12.12.2018 for the second time, this Court, after perusing the report about the stage of the case sent by the court below, had directed the Trial Court to conclude the trial, preferably within a period of eight months from the date of receipt/production of a copy of the aforesaid order, failing which the petitioner was given the liberty to approach this Court again for grant of bail.

Since the trial has not yet been concluded, the petitioner has approached this Court again for grant of bail.

It has been urged, apart from the merits of the case, that he is in custody since 24.01.2017 and that at the fag end of the trial, the application by the prosecution under Section 319 Cr.P.C. for summoning three of the accused persons has been allowed and now the entire trial would be conducted *de novo* as is required under Section 319 Cr.P.C.

The learned counsel for the petitioner, therefore submits that this has amounted to, so far as the petitioner is concerned, continuing the trial for an indefinitely long period.

There is no gainsaying that four years is a long time and since the first witness was examined sometimes in the month of March, 2019, it would be only legitimate and appropriate for the petitioner to



expect that the trial ought to have been concluded by now. Nonetheless, the learned counsel for the petitioner does not have clear instructions whether order summoning the three accused persons under Section 319 Cr.P.C. has been challenged.

I am not inclined to grant bail to the petitioner during the pendency of the trial.

The prayer is rejected for the present.

However, considering the long period of custody of the petitioner, it is directed that the trial be concluded positively within a period of six months, to be counted from today, failing which the petitioner is granted the liberty to approach the trial court for grant of bail during the pendency of the trial, in case, the delay is not exclusively attributable to him.

(Ashutosh Kumar, J)

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