

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7213 of 2022

Arising Out of PS. Case No.-7 Year-2017 Thana- KHAJEKALA District- Patna

Pinku @ Sheru @ Suraj S/o Tauhid Mistri R/o Mohalla- Bag Kalu Khan in
front of Mazar Gali, P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 28-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khajekalan P.S. Case No. 7 of 2017 registered for the offence
under Section 302 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.01.2017.

It is submitted by learned counsel for the petitioner
that present is the second bail petition of the petitioner, after
earlier rejection by one of the learned Co-ordinate Bench of this
Court through Cr. Misc. No. 60152 of 2018 dated 03.10.2018,



where petitioner is in custody since 16.01.2017.

Learned counsel appearing on behalf of the petitioner submitted that while rejecting the earlier bail petition, direction was given to learned Trial Court for expeditious disposal, but same was not concluded and, even, after four years, only four witnesses have been examined and, as such, progress of trial, in itself, is evident of the fact that trial is not likely to conclude in the near future, where petitioner cannot be kept behind the bars for indefinite period of time.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that bail of the petitioner has already been rejected on earlier occasion, where specific allegation is available against this petitioner to fire upon the son of the informant, causing his death. It is further submitted that while rejecting Cr. Misc. No. 60152 of 2018 dated 03.10.2018, this Court had not framed any time period to conclude the trial.

In view of the facts and circumstances, as mentioned above, as there is no aid to the merit of this case except custody, this Court is not inclined to grant bail to the petitioner.

However, learned Trial Court is directed to conclude the trial by taking it on board, on day to day basis, if required, and conclude the trial **within a period of two (02) months**



from the date of receipt of a copy of this order, failing which, the petitioner is at liberty to renew his prayer of bail, if so advised.

Senior Superintendent of Police, Patna is directed to produce all the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

Ankit/-

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