

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14395 of 2022

Arising Out of PS. Case No.-493 Year-2019 Thana- BARAUNI District- Begusarai

SHIVAM KUMAR @ SHIVA SON OF ASHOK RAI @ ASHOK KUMAR
RAI R/O VILLAGE- RAJAURA GHOSPUR, P.S.- MUFFASIL, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kaushal Kumar Jha, Sr. Adv. Mr. Shankar Kumar Choudhary, Adv. Mr. Siddharth Aditya, Adv.
For the Opposite Party/s	:	Mr. Parmanand Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 27-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is accused in connection with Barauni
(Garahara O.P.) P.S. Case No. 493 of 2019 registered under
Sections 394, 397, 302 and 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

Submission of learned counsel for the petitioner is
that earlier prayer for bail of the petitioner was twice rejected by
this Court vide Cr. Misc. Nos. 15667 of 2020 and 16027 of 2021
on 09.07.2020 and 28.07.2021 respectively. Further submission
is that by order dated 28.07.2021, the Trial Court was directed to
expedite the trial and try to conclude the same within six months
but the trial was not concluded in the stipulated time. Petitioner
is under custody since 28.11.2019.

Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner by contending that earlier prayer of the petitioner for bail was twice rejected by this Court on merit vide Cr. Misc. Nos. 15667 of 2020 and 16027 of 2021 on 09.07.2020 and 28.07.2021 respectively. As per the report dated 08.04.2022 of Additional Session Judge-III, Begusarai, out of nine charge-sheeted witnesses, five witnesses have been examined and cross-examined. Further submission is that the seizure list itself shows that 3.292 kg. of gold is recovered from the house of the petitioner. Hence, petitioner does not deserve to be enlarged on bail.

Having considered the facts and circumstances of the case, this Court is not inclined to grant regular bail to the petitioner. Accordingly, prayer of the petitioner is rejected.

Further six months time is granted to the Trial Court to conclude the trial.

(Arvind Srivastava, J)

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