

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27077 of 2021

Arising Out of PS. Case No.-155 Year-2009 Thana- BAIKUNTHPUR District- Gopalganj

UPENDRA PANDEY @ BABALOO PANDEY Son of Shambhu Pandey
Resident of Village - Faijullahpur, P.S.- Baikunthpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 31-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 194 of 2019, arising out of Baikunthapur P.S. Case No. 155 of 2009, registered for the offence punishable under Section 364, 302 and 120(B)/34 of the Indian Penal Code, pending in the Court of learned Addl. Sessions Judge-I-cum-Special Judge, SC/ST, Gopalganj.

This the the second attempt made by the petitioner for releasing him on regular bail. Earlier, this Court had rejected the prayer for grant of bail to the petitioner vide order dated 03.02.2020 passed in Criminal Miscellaneous No. 48967 of 2019.

It is submitted on behalf of the petitioner that petitioner is in custody since 25.12.2018 and almost he has remained in custody nearly about four years as an under trial



and the trial of the petitioner is not going to be concluded very soon.

Considering the facts and circumstances of the case and seriousness of the allegation, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the prayer for grant of regular bail is **rejected**.

However, in several judicial pronouncements, the Apex Court has held that the life and liberty of an accused cannot be jeopardized in the garb of delayed trial, which is violative of Article 21 of the Constitution of India. Considering the aforesaid facts there is much delay in conduct of the trial, the Court below is directed to conclude the trial within a period of six months positively.

The S.P., Gopalganj is directed to take all serious measures to produce the prosecution witnesses on each and every date fixed by the trial Court.

The learned trial Court is directed to conclude the trial expeditiously, well within a period of six months. If no substantial progress takes place in trial, the petitioner, if so advised, may renew his prayer for bail after six month.

(Purnendu Singh, J)

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