

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29695 of 2021

Arising Out of PS. Case No.-213 Year-2011 Thana- BALIYA District- Begusarai

CHHATHU SADA, Son of Late Sita Ram Sada Resident of Village-
Kushmahaut, P.S.- Nima Chand Pura, District- Begusarai at present Resident
of Village- Gyan Tol Majhanpur, P.S.- Baliya, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-01-2022 Heard Ms. Archana Shahi, learned counsel for

the petitioner and Mr. Pankaj Kumar Singh, learned

counsel for the informant. The State is represented by

Mr. Ram Bilash Roy Raman.

The prayer for bail of the petitioner was earlier

rejected by the order dated 17.08.2019.

The learned Counsel for the petitioner submits

that the petitioner is in custody since 03.07.2018 and till

date the trial has not concluded even though charges

against the petitioner was framed much earlier.

The aforesaid contention raised on behalf of the



petitioner is endorsed by the report of the court below which says that there are 12 charge-sheet witnesses out of whom none have been examined as yet.

This was the position till the signing of the report referred to above on 07.12.2021.

However, Mr. Pankaj Kumar Singh learned Advocate for the informant has informed this Court that one witness was examined in the month of December in the year 2021. It is thus his contention that the trial has begun notwithstanding the difficulties faced by the Trial Courts during pandemic times.

Discounting the contentions raised on behalf of the petitioner, Mr. Raman, learned counsel for the State also has pointed out that the petitioner had been an absconder for eight long years and, therefore, he was not tried along with the other accused persons.

With respect to another accused who had surrendered to the process of law later than the other accused persons, his case is almost on the verge of



completion.

Considering the nature of accusation against the petitioner and taking into account the fact that he had not surrendered to the process of law on time leading to bifurcation of trial, I am not inclined to grant bail to him for the present.

However, looking at the period of custody of the petitioner, this Court directs that in case the trial is not concluded within the next nine months, it would be open to the petitioner to approach the trial court for grant of bail during the pendency of trial. In that event, the Trial Court shall be under an obligation to record the reasons for not concluding the trial within the aforesaid stipulated period.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

