

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43518 of 2021**

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

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AZAD KUMAR, Son of Awadesh Yadav, Resident of Village - Milkipar, P.S.-
Bhagan Bigha, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms.Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 20-07-2022 Learned counsel for the petitioner undertakes to remove all
the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Barh P.S. Case No. 550 of 2019 registered for the
offences punishable under Section 395 of the Indian Penal Code. He
is in custody in connection with this case since 28.01.2020. Though
in paragraph '3' only three criminal antecedents have been mentioned
but in the impugned order passed by learned Additional District and
Sessions Judge-1st, Barh it is stated that the petitioner has got 19
criminal antecedents.

Learned counsel for the petitioner submits that it is a case
of false implication of the petitioner. His name has transpired in the
confessional statement of Dharmendra Kumar and Shlok Yadav



which were recorded in connection with Fatuha P.S. Case No. 83 of 2020.

Learned counsel for the petitioner submits that in this case the chargesheet has been submitted and there would be no chance of tampering with the evidence if the petitioner is released on bail.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for bail of the petitioner. It is submitted that the petitioner is a member of the gang which is involved in committing loot of the vehicles inter-district on the point of pistols. It is submitted that the petitioner is having 19 cases on his head and if released on bail, it would not be possible to conclude the trial of the petitioner expeditiously. Presently the records are pending for framing of charge.

Having regard to the materials available on the record, considering that the petitioner is said to be a member of the gang involved in committing loot of the vehicles inter-district and has got 19 criminal antecedents and till date the charge has not been framed, this Court is not inclined to release the petitioner on bail at this stage.

The petitioner is in custody in this case since 28.01.2020 which was the pandemic period and for that reason this Court will observe that the learned trial court shall now proceed to expedite the matter by framing of charge within a period of two months from the date of communication of this order and all endeavours be taken to conclude the trial within a period of seven months thereafter.



All the efforts be taken to conclude the trial preferably within a period of nine months from the date of communication of this order.

The Superintendent of Police, Patna within whose jurisdiction the Barh Police Station is falling is directed to ensure that the official witnesses be produced on the date fixed in the matter and the trial is not delayed due to inaction on the part of the prosecution.

If the trial still remains unconcluded within a period of nine months from the date of communication of this order for no reason attributable to the petitioner, he may renew his prayer for bail.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

