

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36781 of 2022

Arising Out of PS. Case No.-447 Year-2017 Thana- BHAGWAN BAZAR District- Saran

Jay Prakash @ Jai Prakash Rai Son of Bhagwan Rai Resident of Mohalla -
Ratanpura, Ojha Toli, P.S.- Bhagwan Bazar, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Kuar, Advocate.
For the Informant	:	Mr. Gyan Prakash, Advocate.
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Chandra Shekhar Anand, learned counsel for the petitioner, Mr. Gyan Prakash, learned counsel for the informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bhagwan Bazar P.S. Case No. 447 of 2017, giving rise to Sessions Trial No. 194 of 2018, for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 307, 354, 504, 506, 114 and 379 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code was added.

At the outset learned counsel for the petitioner



submitted that earlier the prayer for bail of the petitioner was rejected vide order dated 16.11.2019 in Cr. Misc. No. 59284 of 2019, with a direction to the learned Trial Court to expedite the trial. He also drawn the attention of this court towards the order of the Hon'ble Court, wherein observation was made that the payer for bail was rejected for that stage only. He further submitted that now the petitioner is in custody since 01.11.2017 and as such he remained in custody for almost five years. He also submitted that there is counter version of the case, wherein the deceased was himself made an accused in that case, apart from the fact that the omnibus allegation has been leveled against all the accused persons including the petitioner.

On the other hand learned counsel for the informant vehemently opposed the bail application and submitted that there is specific allegation against the petitioner of causing *Farsa* blow over the head of the deceased and during the course of trial all the witnesses have supported the prosecution case. He also submitted that now all the charge-sheet witnesses have been examined and the trial is also likely to be disposed of in near future.

The learned APP for the State also opposes the bail application.



Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody for about five years and the trial is at the fag-end. The court feels it appropriate to suggest the learned Trial Court to conclude the trial as early as possible, preferably within a period of three months, failing which the petitioner would be at liberty to renew his prayer for bail.

It is expected that the learned Trial Court would take all the endeavour to conclude the trial within the aforementioned period.

(Harish Kumar, J)

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