

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47693 of 2021

Arising Out of PS. Case No.-47 Year-2019 Thana- SIMRA District- Aurangabad

Arbind Prajapati @ Arbind Kumar, Son of Arjun Prajapati, R/o Village-
Choraha, P.S.- Simra, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 08-02-2022 The applicant/accused in Crime No. 47 of 2019 registered with Simra Police Station for the offences punishable under Sections 302, 120B and 201 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

When this Court has requested the learned counsel for the applicant to produce case diary of the subject crime in order to decide the instant bail application, the learned counsel for the applicant has fairly stated that after calling the case diary and perusing the same, the coordinate Bench of this Court vide order dated 01.02.2021 passed in Criminal Misc. No. 23415 of 2020 has rejected the prayer for bail. It is further argued that this Court then permitted the applicant to renew his prayer for bail if there is no substantial progress in the trial after six months. With



this it is argued that from 06.04.2021 there is no progress in the trial. Learned counsel for the applicant relied on the order sheet of the learned trial court.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

There cannot be the order of default bail only because there is no progress in the trial after six months of rejection of the earlier bail application by the coordinate Bench of this Court. There are some defined criteria for grant of bail and the Court is required to keep in mind nature of seriousness of allegation, nature of evidence etc. while deciding the bail application. Earlier bail application of the applicant, as stated by the learned counsel for the applicant, was rejected by the coordinate Bench of this Court after perusal of the case diary by holding that considering the material available on the record, the applicant is not entitled for bail.

In this view of the matter, no case for grant of bail to the applicant/accused is made out. Accordingly, the application stands rejected.

The learned trial court is directed to expedite the



trial in the wake of the fact that applicant is undergoing pretrial detention and to conclude it within a period of nine months from the date of communication of this order.

The Registry to communicate the copy of this order to the learned trial court.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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