

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48090 of 2021

Arising Out of PS. Case No.-177 Year-2019 Thana- ASHTHAWAN District- Nalanda

Santosh Kumr @ Sushil Kumar Son Of Ramkhelawan Prasad Resident Of
Village- Ugawan, P.S.- Asthawan And District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. N.K.Agrawal learned Senior counsel for
the petitioner duly assisted by Mr. learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Session trial no. 630 of 2019 arising out of Asthawan
P.S.Case No. 177 of 2019 for the offences punishable under
Sections 363, 365 of the Indian Penal Code and later on section
364/120B of the I.P.C is added.

It is submitted by the learned Senior counsel
appearing on behalf of the petitioner that though twice the
prayer for bail of the petitioner has been rejected but the
Hon'ble Court while rejecting the prayer for bail of the



petitioner has not taken into consideration that there is no substantial evidence to support the prosecution case rather the complicity of the petitioner has come only on the statement of the spy and further there is only confessional statement of the petitioner and nothing else moreover, this petitioner is in custody since 09.10.2019.

On the other hand, learned APP opposed the prayer for bail of the petitioner and submitted that twice the prayer for bail of the petitioner has been rejected and at this juncture, the petitioner cannot be allowed to re-appreciate the merit of the case.

However, from perusal of the report it appears that the charge has been framed under section 364, 120B/34 of the Indian Penal Code against two accused persons and there are total seven charge sheeted witnesses but till date in spite of issuance of summons none has turned up before the court below.

Having heard the rival contentions of the parties and taking into consideration the fact that twice the prayer for bail of the petitioner has been rejected after having found that during the course of investigation, ample material has come against this petitioner, showing his complicity in the present crime. This court is not persuaded to enlarge the petitioner on



bail and accordingly, his prayer for bail stands rejected.

However, it is made clear that trial court will take all necessary steps to conclude the trial of the petitioner as early as possible preferably, within a period of nine months. If the trial is not concluded within the period of nine months, the petitioner shall be at liberty to renew his prayer for bail..

(Harish Kumar, J)

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