

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54494 of 2021

Arising Out of PS. Case No.-108 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

PRAVEEN KUMAR GUPTA @ VIKKY Son of Sri Kailash Prasad Gupta
Resident of Mohalla - Kotwali Chowk, Naka No. 5, P.S. - Town, District -
Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 02-02-2022 Heard Mr. Amarendra Narayan, learned
Advocate for the petitioner and Mr. Ram Priya Sharan
Singh, learned APP for the State.

The petitioner seeks bail during the pendency of
the trial in connection with Sessions Trial No. 289 of
2017 arising out of Laheria Sarai P.S. Case No. 108 of
2017 dated 25.03.2017 instituted for the offences under
Sections 341, 323, 324, 307, 379, 504, 427, 326/34
and Section of the Indian Penal Code.

The prayer for bail of the petitioner was earlier
rejected on 27.11.2017 in Cr. Misc. No. 51719 of 2017
and on 24.03.2021 in Cr. Misc. No. 82237 of 2019.

In this instance, this Court had called for a
report from the court below. The report dated
21.12.2021 clearly depicts that the statement of the



accused under Section 313 Cr.P.C. was recorded on 12.02.2020 and the case was fixed for defence evidence.

The case was then transferred to the incumbent court, but the predecessor court had warned the defence not to adopt any dilatory tactics in future.

A last chance was given to the defence on 17.11.2021, when two petitions were filed on 26.11.2021, seeking permission for the petitioner to appear in the witness box as a defence witness. A rejoinder to that petition was filed by the prosecution on 07.12.2021.

When the matter was about to be argued, time was taken by the counsel for the defence on his personal grounds.

Those two petitions could not be disposed of on 16.12.2021, because of suspension of court work for condolence of an advocate.

However, later, the petition was rejected and evidence of the defence was closed *vide* order dated 20.12.2021. The aforesaid order of the trial court has been challenged by the petitioner before this Court *vide* Token No. 3541 of 2022, which has yet not been listed.

The report further reveals that a date for final argument had been kept on 23.12.2021. The court has



further reported that he is taking all steps for the speedy disposal of the case ever since the records were received in his court.

As opposed to the aforesaid disclosure in the report, Mr. Amarendra Narayan, learned Advocate for the petitioner has submitted that the fact of the matter is that the courts were continuously being changed and the case did not remain static in one court. This was the primary reason for the trial not being disposed of by now, notwithstanding the fact that out of all the accused persons put on trial, only the petitioner has remained in jail whereas the others have been granted bail one after the other.

It appears from the arguments advanced on behalf of the petitioner and the report of the trial court that it is awaiting the order of this Court on a petition challenging the decision of the Court below, rejecting the application preferred on behalf of the defence under Section 315 Cr.P.C.

Once a decision of the trial court and has been put to challenge before this Court, it does not appear to be unreasonable for the trial court to await the order passed by the High Court over such an application.

It would be now open for the petitioner to have the petition preferred before this Court against the order



of the trial court, disposed of as expeditiously as possible.

No sooner the order of the High Court is communicated to the trial court, it is expected that the trial court shall hear the arguments and deliver the judgment without any delay.

This Court expects that all this process would be completed by next three months.

For the present, I am not inclined to grant bail to the petitioner during the pendency of the trial.

Accordingly, the prayer for bail is rejected.

The trial court is directed to conclude the same unless prevented by any other factor beyond his control within a period of three months from the date of receipt/production of a copy of this order.

(Ashutosh Kumar, J)

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