

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57691 of 2021

Arising Out of PS. Case No.-110 Year-2019 Thana- BANIAPUR District- Saran

Chandan Kumar Singh @ Chandan Singh @ Chandan Kumar S/o Goutam
Singh R/o Village - Ramkala P.S. - Baniyapur, District - Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has renewed his prayer for grant of bail in connection with Baniyapur P.S. Case No.110 of 2019 dated 04.04.2019 registered under Sections 420, 489A, 489B, 489C and 489D read with 34 of the Indian Penal Code.

His prayer for bail was already rejected twice by this Court. On 27.11.2019, while rejecting his prayer for bail the trial court was directed to expedite the trial and conclude the same as early as possible. Subsequently, when he renewed his prayer for bail, it was again rejected by this Court vide order dated 27.11.2020.

In the present application, vide order dated 13.04.2022, a report was called for from the trial court regarding



the stage of the trial. In compliance with the aforesaid order, the trial court has submitted its report on 21.04.2022 wherein it has been stated that the present matter is pending for hearing on an application filed on behalf of the accused persons for their discharge and the next date of hearing of the application has been fixed on 5th May, 2022.

Having gone through the report of the trial court, this court is pained to record the casual manner in which the trial court has proceeded in the matter so far in spite of a clear direction by this Court vide order dated 27.11.2019 to expedite the trial and conclude the same as early as possible. The trial court sat tight over the matter and kept the matter pending at the stage of framing of charge. The approach of the trial court is contemptuous. However, this Court is given one more chance to the trial court to correct itself and proceed with the trial as directed hereinbelow and submit a report to this Court on expiry of six months from the date of receipt/production of this order regarding the steps taken by it in dealing with the expeditious disposal of the trial.

According to the prosecution case, on 04.04.2019, at 3.30 a.m., the informant received a confidential information that the petitioner has arrived with fake currency notes at Bhakura



Bhitti Chowk. When he along with police party reached at the place of occurrence Bhakura Bhitti Chowk, the petitioner tried to flee away. He was apprehended on chase. On search from the possession of the petitioner, fake currency notes amounting to Rs.74000/- were recovered from his possession. On his disclosure, two other persons, namely, Dheeraj Kumar Singh and Santosh Singh were also apprehended and from their possession also, fake currency notes amounting to Rs.60,000/- and Rs.50,000/- respectively were seized. On their disclosure, a house in village Chaukhara was raided in a room of which Neeraj Kumar Singh and Mattendra Kumar Singh were arrested while they were printing fake currency notes amounting to Rs.2,02,500/- were seized along with printing machine.

It is submitted by the learned counsel for the petitioner that though the petitioner is in custody since 5th April, 2019, the trial has not commenced till date. It is also argued by the learned counsel for the petitioner that co-accused Niraj Kumar Singh and Matendra Kumar Singh have already been granted bail by a co-ordinate Bench of this Court vide order dated 27.11.2019 passed in Cr.Misc. No.58403 of 2019. It is contended that the detention of the petitioner even without framing of charge and commencing the trial for more than three



years is unwarranted.

On the other hand, learned counsel appearing for the State submitted that the delay if any in framing of charge is because of the application filed by the accused persons before the trial court for discharge. It is further contended that accused persons are themselves responsible for delay of trial.

It is true that co-accused Niraj Kumar Singh and Matendra Kumar Singh have already been granted bail by a co-ordinate Bench of this Court vide order dated 27.11.2019, the date on which the prayer for bail of the petitioner was rejected on the first occasion.

However, looking at the gravity of the offence and the professional and organized nature of the crime with due respect to the order passed by the co-ordinate Bench of this Court, I am unable to agree to take the same view. The prayer for bail is rejected.

The trial court is directed to dispose of the application filed on behalf of the accused persons for their discharge on merits on the date so fixed after hearing the parties, if not disposed of by now. In case the application for discharge has already been disposed of and the charges have been framed, the trial court shall make endeavour to hold the trial on day-to-day



basis and conclude the same within six months from the date of receipt/production of a copy of this order.

Registry shall place the report of the trial court under the heading “For Orders”.

(Ashwani Kumar Singh, J)

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