

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58624 of 2021

Arising Out of PS. Case No.-305 Year-2019 Thana- BALIYA District- Begusarai

SHANKAR KHALIFA @ SHANKAR NUT, Son of Dhanik Khalifa R/o
Village- Satti Chaura, Choti Ballia, Ward No.14, P.S.- Ballia, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 12-01-2022 Heard Mr. Sanjay Singh, learned counsel for

the petitioner and Mr. Navin Kumar Pandey, learned APP

for the State.

The prayer for bail of the petitioner was earlier
rejected vide order dated 01.12.2020 passed in Cr.
Misc. No. 25996 of 2020. At that time, the petitioner
had been in custody for more than a year. Considering
the period of custody of the petitioner, the Court had
directed that if the trial is not concluded within a period
of nine months and the delay would not be attributable
to the petitioner, he would be at liberty to approach the



court below for grant of bail.

The learned counsel for the petitioner has submitted that despite nine months having passed by, the trial has not yet concluded.

The aforesaid submission on behalf of petitioner led this Court to call for a report from the court below about the stage of the case.

The report has since been received, which indicates that the charges in this case have been framed on 18.01.2021 and 10 witnesses up till now out of 16 charge-sheet witnesses have been examined. Process has been set in motion for bringing the remaining witnesses and in all its probability, the trial shall be concluded in near future.

Considering the nature of accusation against the petitioner, I am not inclined to grant bail to the petitioner at this stage.

However, the trial court is directed to take all possible steps to conclude the trial as early as possible,



preferably within a period of six months, failing which the petitioner shall have the liberty to approach this Court again for grant of bail during the pendency of trial.

The petition stands disposed off accordingly.

At this stage, learned counsel for the petitioner has informed this Court that the petitioner is suffering from HIV positive and his wife also is critically ill.

Such statements are not supported by any documents.

The petitioner would be at liberty to bring to the notice of the trial court the aforesaid grounds for any further relief that is deemed appropriate in the facts and circumstances of the case.

(Ashutosh Kumar, J)

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