

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58170 of 2021

Arising Out of PS. Case No.-261 Year-2018 Thana- BUXAR District- Buxar

=====

Kanchan Singh @ Kanchan Kumar Singh S/o Late Ramashish Singh, R/o
Village- Jagdishpur, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 10-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Buxar (T) P.S. Case No. 261 of 2018 lodged under Sections 302,
307 and 120(B)/34 of the I.P.C. read with section 27 of the Arms
Act.

Learned counsel for the petitioner submits that the
bail petition of the petitioner has already been rejected on merit
vide order dated 05.12.2018 passed in Cr. Misc. No. 66801 of
2018. Counsel further submits that the petitioner is in custody
since 04.06.2018 i.e. about more than 4 years. Learned counsel
further submits that the petitioner is languishing in custody due

to laches in the part of the prosecution. Counsel for the petitioner has filed a supplementary affidavit in which Annexure-3 was attached. On the basis of which counsel submits the rejected bail order of co-accused Ram Ishwar Singh vide order dated 30.06.2021 in which Co-ordinate Bench of this Court has pleased to grant 9 months time to conclude the trial. Hon'ble Court has also directed to the District Magistrate and Superintendent of Police, Buxar to ensure the production of witnesses on the date fixed by the trial court so that trial could be concluded within stipulated period of 9 months. Counsel further submits that the said 9 months have already been lapsed.

This Court has called for report from the trial court. Two reports have been received. As per report dated 21.04.2022 only one witness i.e. P.W.1 Sanjay Gupta was examined who was declared hostile. As per second report dated 17.10.2022 bail bonds of two accused persons have been cancelled and presently date is fixed for appearance of accused persons.

Learned counsel for the petitioner submits that petitioner is ready to appear on each and every date and he shall never misuse the bail bond.

Learned counsel for the State opposes the prayer for bail and submits that as a last opportunity, a certain time may be

fixed and a direction also be given to the court to expedite the trial to conclude within a fixed period of time.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. Therefore, his bail petition is hereby rejected.

However, 6 months further time is hereby granted to the prosecution to conclude the trial. If trial shall not be concluded within the said period, the petitioner shall be at liberty to move before the trial court itself for bail and trial court shall release the petitioner on bail imposing its own conditions so that petitioner shall not evade his appearance during trial.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--