

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.58528 of 2021**

Arising Out of PS. Case No.-154 Year-2019 Thana- RIGA District- Sitamarhi

ADITYA BAITHA, Son of Rambali Baitha, Resident of Village - Harpursari,
P.S. - Parsauni, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 09-02-2022 Heard learned counsel for the petitioner and Mr.
Kumar Veerendra Narayan, learned A.P.P. for the State.

This is the third attempt of the petitioner to obtain bail in connection with S. Tr. No. 39 of 2021 arising out of Riga P.S. Case No. 154 of 2019 registered for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner in his second attempt in Cr. Misc. No. 8840/2021, this court had directed the learned trial court to conclude the trial preferably within a period of six months and the prosecution was directed to cooperate by producing the witnesses on the date fixed in the matter. Further liberty was granted to the petitioner to renew his prayer for bail if the trial remains unconcluded for no reason



attributable to the petitioner.

It is submitted that till date the trial has not been concluded.

Mr. Kumar Veerendra Narayan, learned A.P.P. for the State submits that in this case the trial has been delayed because of the intervening circumstance arising out of Covid-19 situation in which the courts were directed to work partially through Virtual Mode and only for urgent matters like bail.

It is submitted that now the courts are working in hybrid mode and summons have already been served on the prosecution witnesses, therefore, the trial is likely to be concluded and for that reason some more time is required to be given.

Learned A.P.P. further points out that this is a case of murder of a young boy and this petitioner is the person whose image has been captured on the CCTV footage while taking away the victim boy.

Learned A.P.P. further points out that the co-accused Mohan Baitha has though been granted bail by a learned coordinate Bench of this court but the fact remains that the said Mohan Baitha has got 13 criminal antecedents and there are materials in the case diary showing that this petitioner had taken



the deceased to said Mohan Baitha where he was killed and the dead body was thrown near the Simri Bridge. In such circumstances, even if the trial is not concluded in terms of the observation that alone may not be a ground for release the petitioner on bail.

Having regard to the seriousness of the offence and the submissions noted hereinabove, for the present this Court is not inclined to release the petitioner on bail. Trial court is expected to proceed with the trial keeping the records on shorter dates and all endeavours be made to conclude the trial as early as possible. If the trial still remains unconcluded within a period of six months the petitioner may renew his prayer for bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

