

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.60357 of 2021**

Arising Out of PS. Case No.-198 Year-2020 Thana- JAKKANPUR District- Patna

=====

ANKIT KUMAR, son of Krishna Kant, Resident of Mohalla- Adarsh Colony,
Road No.04, Khemnichak, P.S.- Ram Krishna Nagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

=====

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

3 05-01-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Special Case No. 52/2020 arising out of
Jakkanpur P.S. Case No. 198 of 2020 registered for the offence
under Sections 401, 414 of the Indian Penal Code and Section
8(c), 21(c), 25, 29 of the Narcotic Drugs and Psychotropic
Substances Act.

Earlier his prayer for bail was rejected by this court
with an observation that the trial court shall proceed with the
trial as early as possible and in case the trial is not concluded
within nine months for no reason attributable to the petitioner,
he may renew his prayer for bail.

Learned counsel for the petitioner submits that



petitioner is in custody in connection with this case since 23.03.2020. Prior to this case he had no criminal antecedent, however on the same day when this petitioner was arrested in this case he has been involved in two other cases which are stated in paragraph '3' of the present petition.

Learned counsel further submits that the co-accused namely, Chandan Kumar has been granted privilege of regular bail by a learned coordinate Bench of this court in Cr. Misc. No. 44239/2021. His submission is that the case of the petitioner stands on similar footing with that of co-accused Chandan Kumar.

It is further submitted that from the trial court's report, it would appear that two more witnesses are to be examined in this case on behalf of the prosecution.

On the other hand, learned A.P.P. for the State submits that now in this case only two witnesses are remained to be examined. It is his submission that the trial has not been concluded because this petitioner did not cross-examine P.W.1 & P.W.2 when those prosecution witnesses were being examined. Now an application under Section 311 Cr.P.C. has been filed on his behalf which is nothing but an attempt to prolong the trial.



Having regard to the materials available before this court and on finding that this petitioner who had not cross-examined the prosecution witnesses which has delayed the conclusion of the trial and now the trial court is expecting conclusion of trial within a period of two months only, this court is not inclined to enlarge the petitioner on bail.

Let the trial court proceed with the matter and conclude the trial as early as possible preferably within a period of two months from the date of communication of this order.

The petitioner must cooperate in conclusion of the trial.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

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

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.

