

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65125 of 2021**

Arising Out of PS. Case No.-124 Year-2019 Thana- SHEOHAR District- Sheohar

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Jangi Jha @ Ganga Jha, Son of Kanhaiya Lal Jha, Resident of Village -
Sugiya Katsarai, P.S.- Sheohar, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Advocate
		Mr. Uma Kant Tiwary, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP

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

4 24-08-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the office.

Heard learned counsel for the petitioner and Mr.

Anil Kumar Singh No.1, learned APP for the State.

Learned counsel for the petitioner submits that

earlier the prayer for bail of this petitioner was rejected by
this Court on 08.09.2020 in Cr.Misc.No.17448 of 2020.

Thereafter about two years have gone, but the trial has yet
not been concluded.

Learned counsel further submits that the petitioner

has remained in custody since 16.06.2019, therefore more

than three years he has spent in jail as an under-trial



prisoner.

It is lastly submitted that the co-accused Raushan Jha who was also denied bail by a learned coordinate Bench of this Court on 16.03.2020 in Cr.Misc.No.77113 of 2019 has been granted bail on 13.01.2022 in Cr.Misc.No.47712 of 2021. His submission is that the petitioner is at best similarly situated with the co-accused Raushan Jha, therefore he too deserves the privilege of bail.

On the other hand, Mr. Anil Kumar Singh No.1, learned APP for the State has brought to the notice of this Court by way of a counter affidavit on behalf of the Superintendent of Police, Sheohar that in this case all the prosecution witnesses have been examined and the case is fixed for statement under Section 313 Cr.P.C. It is pointed out that in his report contained in Letter No.95 dated 29.07.2022 the learned I/C, Additional District and Sessions Judge-III, Sheohar has informed that the trial itself may be concluded within a period of three months, however, it has also been informed that at this time the court is vacant. Learned APP, therefore, submits that an appropriate direction may be issued to the learned District Judge,



Sheohar to transfer the records of this case to an available court for expeditious conclusion of the trial.

Learned counsel further submits that on a reading of the order dated 13.01.2022 passed by the learned coordinate Bench in the case of Raushan Jha it would appear that in the said case there was an observation of the learned coordinate Bench earlier that the trial be concluded on day to day basis within a period of one year. In that case the trial was not concluded in the said period and ultimately the learned coordinate Bench granted the bail, but so far as this case is concerned, this Court had not given any such observation and the fact that the trial itself is to be concluded now within a period of three months would be relevant for the purpose of this case.

Having regard to the submissions noted here-in-above, taking note of the report of the learned Additional District and Sessions Judge-III, Sheohar wherein it is indicated that the trial is likely to be completed within a period of three months only, this Court is not inclined to enlarge the petitioner on bail. The case of the petitioner has been rightly distinguished by learned APP for the State.



While refusing bail to the petitioner, this Court would request the District and Sessions Judge, Sheohar to transfer the records of this case to an available court for completing the trial within a period of three months from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

Certified copy of the order will be made available only after the defects are removed.

(Rajeev Ranjan Prasad, J)

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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'.

