

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71990 of 2021

Arising Out of PS. Case No.-561 Year-2019 Thana- DANAPUR District- Patna

MD ANWAR HUSSAIN. Son of Md. Manauwar Hussain, Resident of Village
- Khalilpura, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dhananjay Prasad, Advocate

For the Opposite Party : Mr.Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 09-03-2022 Heard learned counsel for the petitioner and Mr.
Brajendra Nath Pandey, learned A.P.P. for the State.

This is the third attempt of the petitioner to obtain bail in connection with Session Trial No. 1009 of 2019 arising out of Danapur P.S. Case No. 561 of 2019 registered for the offence under Section 302, 120B, 324, 353, 307, 414/34 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act. His prayers were earlier rejected by this Court vide orders dated 17.12.2019 and 14.08.2020 passed in Cr. Misc. No. 77550 of 2019 and Cr. Misc. No. 19638 of 2020.

Learned counsel for the petitioner submits that till now the trial has not been concluded. However, Mr. Pandey, learned A.P.P. for the State submits that because of the un-precendented Covid-19 situation the Court was not functioning normally and that has delayed the trial. It is submitted that the prayer for bail of



the petitioner has already been rejected on merit, therefore, he does not deserve privilege of bail at this stage.

This Court had also called for a report from the learned trial court which is available on the record vide letter no. 35 dated 24th February, 2022. The learned trial court has reported that till date out of eighteen charge-sheeted witnesses, five have been examined after framing of charge on 19.12.2019. According to learned trial court, the conclusion of trial is likely to take about six months.

Considering this aspect of the matter that the trial itself is likely to be concluded within six months and the delay in conclusion of trial is definitely attributable to the Covid-19 situation, this Court is not inclined to release the petitioner on bail at this stage.

The learned trial court shall keep in view it's report and all endeavours be made to conclude the trial by keeping the records on shorter dates, as early as possible preferably within a period of six months from the date of communication of this order.

This application stands disposed off 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'.

