

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9440 of 2022**

Arising Out of PS. Case No.-38 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Balddau Singh @ Chhotu Singh, aged about 32 years, Gender-Male, Son of
Satyendra Singh, R/O Village- Sikthi, P.S.- Bhabua, District- Kaimur
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Singh, Advocate
For the State	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 25-01-2023

Heard learned counsel for the petitioner; Mr. Rabindra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Abhishek Kumar, learned counsel for the informant.

2. The petitioner is in custody in Bhabhua PS Case No. 38 of 2019 dated 22.01.2019, instituted under Section 363 of the Indian Penal Code, to which later on Sections 302/201/364/34 of the Indian Penal Code were added.

3. This is the third attempt for bail by the petitioner, as earlier such prayer was rejected by judgment and order dated 11.12.2019 in Cr. Misc. No. 45504 of 2019 and thereafter by judgment and order dated 10.02.2021 in Cr. Misc. No. 32604 of 2020.

4. Learned counsel for the petitioner reiterates the submissions which have been recorded in the earlier two orders of



rejection. He fairly submits that on merits he has nothing further to add except by now he has been in custody for more than 3 years 9 months. Further, it was submitted that the Court may direct for the Investigating Officer to be examined as due to his non-examination, the trial was still lingering.

5. Learned APP and learned counsel for the informant submit that the vehicle on which the deceased was taken along with the bloodstain has been recovered on the statement made by the petitioner and he had also stated that the body was thrown in the river Ganga due to which it could not be recovered till date. Learned counsel further submit that the Investigating Officer of the case has already been examined and he has fully supported the prosecution story.

6. Learned counsel for the informant further submits that the witnesses on behalf of the prosecution have been examined and the matter is pending due to objection raised by the defence with regard to the certificate issued under Section 65B of the Indian Evidence Act, 1872 and the admissibility of the FSL report.

7. Be that as it may, in view of what has been recorded in the earlier two orders and there being no substantial change of circumstances, except for the petitioner being in custody for a



longer period, the Court does not feel inclined to enlarge the petitioner on bail.

8. Accordingly, the petition stands dismissed.

9. However, in view of the fact that the prosecution witnesses have been examined, except for marking as exhibit one document, and objection to the FSL report, the trial Court is directed to ensure that the trial is concluded expeditiously and latest within a period of four months from the date of receipt of a copy of this order, subject to cooperation by the defence.

(Ahsanuddin Amanullah, J)

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