

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23702 of 2023

Arising Out of PS. Case No.-103 Year-2021 Thana- CHAKIA District- East Champaran

Vikash Kumar Son of Bharat Singh Resident of Village - Puranchhapra, P.S. -
Chakiya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31592 of 2023

Arising Out of PS. Case No.-103 Year-2021 Thana- CHAKIA District- East Champaran

Ajit Kumar Son Of Dwarika Sah R/O Village- Bakhari, P.S.- Chakiya,
District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23702 of 2023)

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

For the Informant : Mr. Ashok Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

(In CRIMINAL MISCELLANEOUS No. 31592 of 2023)

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Informant : Mr. Ashok Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Anant Kumar -1, App.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 21-06-2023 Since, both the applications arising out of similar P.S.

Case, hence they are being heard together and disposed of by

this common order with the consent of the parties.

Heard Mr. Abhishek Kumar and Mr. Sharda Nand

Mishra, learned counsels for the respective petitioners, Mr.

Ashok Kumar Sinha, learned counsel for the informant in both

the cases and learned APPs for the State.



This is the second attempt wherein the petitioners have renewed their prayer for bail in connection with Chakiya P.S. Case No.103 of 2021 registered for the offence punishable under Sections 364(A), 120B, 34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioners was turned down taking into consideration the statement of the victim boy as well as the materials disclosing the complicity of the petitioners in the present crime.

A report with regard to the present status of the trial was called for and it has been informed to this Court that out of six prosecution witnesses four of them have already been examined and summons have already been issued against the other charge-sheet witnesses for their evidence.

Learned counsel for the petitioners submits that the petitioners are neighbour and on account of village politics their names have been implicated in this case and they are in custody for over a period of two years, however, the trial is not likely to be concluded in near future.

The aforesaid submissions made on behalf of the petitioners have been vehemently refuted by the learned counsel for the informant and he submits that there is no overwhelming or any change circumstances requires re-consideration of the



earlier order, whereby the prayer for bail of the petitioners have been rejected on merit.

At this juncture, learned counsel for the State submits that the trial is likely to be completed in near future and the release of the petitioners would hamper the trial.

Regard being had to the submissions made on behalf of the parties and considering the fact that the prayer of the petitioners have already been rejected and this Court finds no overwhelming change circumstances, hence, the prayer for bail of the petitioners is hereby again rejected.

However, considering the period of incarceration this Court expects that the learned Trial Court will conclude the trial of this case as earlier as possible preferably within a period of four months.

The petitioners are at liberty that if the trial is not concluded within the aforesaid period, they may renew their prayer for bail.

Accordingly, both the applications are hereby by dismissed.

(Harish Kumar, J)

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