

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36393 of 2023

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Lalit Jha, Son of Shri Badri Nath Jha, Resident of Village and P.O.- Rudauli,
P.S.- Bachwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar, Advocate
		Mr. Shailesh Kumar, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2023 Heard Mr. Awadhesh Kumar, learned counsel
representing the petitioner and learned APP for the State.

This is the second attempt wherein the petitioner is renewing his prayer for bail in connection with S.Tr. No. 382 of 2021, arising out of Cheria Bariyarpur P.S. Case No. 55 of 2021, registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 19.09.2022 passed in Cr. Misc. No. 68881 of 2021 taking into consideration that certain looted currency notes and black colour Glamour motorcycle were recovered from his possession, apart from the other incriminating materials, coupled with the fact that the petitioner



was identified by two of the witnesses in Test Identification Parade.

Mr. Awadhesh Kumar, learned counsel for the petitioner submits that the case has been committed to the Court of Sessions on 20.07.2021 and thereafter charges have already been framed on 21.09.2021, but till date not even a single witness has been examined, which shows the prosecution is not sincerely prosecuting the case, inasmuch, as the petitioner is in incarceration for over a period of two years.

A report was called for, which also suggests the fact that till date not even a single witness has been examined.

Learned counsel for the petitioner further vehemently submitted that the entire seizure list is in defiance of Section 100(4) of the Cr.P.C. inasmuch as the witnesses to the seizure is Chaukidar/police constable. He next submitted that the petitioner is carrying fair antecedent and he was not the person, who entered in the Bank and, therefore, his identification in Test Identification Parade is not at all reliable. He next submitted that keeping the petitioner behind the bar would serve no further purpose, as there is no likelihood of conclusion of trial in near future, as till date not even a single witness has been examined.

Per contra, learned counsel for the State opposes the



bail application and submits that the prayer for bail of the petitioner was rejected on merit and there is no cogent overwhelming circumstances warranting reconsideration for bail.

Considering the submissions made on behalf of the parties and taking into consideration the materials available on record suggesting recovery of incriminating material from the possession of the petitioner and his involvement in the present case, this Court is not acceded to the prayer made on behalf of the petitioner and, accordingly, the prayer for bail of the petitioner is again rejected.

However, in view of the fact that despite lapse of a period of one year and nine months, from the date of framing of charge, not even a single witness has been examined, the petitioner is at liberty to renew his prayer for bail after a considerable period of time i.e. four months.

(Harish Kumar, J)

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