

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39688 of 2022

Arising Out of PS. Case No.-98 Year-2019 Thana- ATRI District- Gaya

Abhishek Anand S/o Sri Satish Kumar R/o village- Sheotar, P.S.- Atri,
District- Gaya, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sanjay Kumar @ S.K.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-06-2023 Let the supplementary affidavit be taken on the record.

The petitioner in the present case has renewed his prayer for regular bail in connection with Atri P.S. Case No. 98 of 2019 registered for the offences punishable under Section 304(B)/34 of the Indian Penal Code. He is in custody since 16.01.2020. He has got no criminal antecedent.

Earlier his prayer for bail was rejected vide order dated 13.07.2021 passed in Cr. Misc. No. 38750 of 2020. The Court was not satisfied at the said stage with the explanation furnished on behalf of the petitioner, however, while refusing the prayer for release of the petitioner on bail, this Court directed that the trial be expedited.

Learned counsel for the petitioner submits that despite the aforesaid observations of this Court, during last two years approximately, nothing substantial has happened and the



prosecution has not taken interest in producing the witnesses on the dates fixed in the matter.

Learned counsel for the informant has opposed this application as according to him, the trial is going on and it is likely to be concluded soon.

This Court had earlier called for a report from the learned trial court as to the present stage of the trial and the time likely to be taken in conclusion thereof. Learned trial court has sent a report dated 16th June, 2023 by which it has been informed that out of 14 witnesses, 3 witnesses have been examined till date. However, the report further says that the trial of the case will be concluded within six months if prosecution cooperates in the trial and produces witnesses within time.

Having regard to the aforementioned submissions and the report of the learned trial court, though this Court is not inclined to release the petitioner on bail at this stage but taking note of the observations of the learned trial court that the trial will be concluded within six months if the prosecution cooperates, this Court directs that if the prosecution fails to cooperate and does not produce the witnesses to conclude the trial within a period of six months from the date of receipt/communication of a copy of this Court, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each



with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Gaya in connection with Atri P.S. Case No. 98 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Let this order be communicated to Senior Superintendent of Police, Gaya and the Public Prosecutor to ensure that the prosecution witnesses must be produced on the dates fixed in the matter. The trial court shall keep the records on shorter dates so that all the witnesses may be examined within the aforesaid period.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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