

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53076 of 2023

Arising Out of PS. Case No.-9 Year-2005 Thana- DEWARIA District- Muzaffarpur

DINESH DAS @ BUCHKATWA SON OF LATE KALPUR DAS
RESIDENT OF VILLAGE - SRI RAMPUR, P.S. - KATHAIYA, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Deoria
P.S. Case No. 09 of 2005 registered for the offences punishable
under Sections 143, 323, 341, 144, 379, 307 and subsequently added
Section 302 of the Indian Penal Code.

3. As per prosecution case, there is specific allegation
against the petitioner that he is alleged to have assaulted the
informant by means of farsa as a result of which informant sustained
injury on head.

4. Learned counsel for the petitioner submits that on
10.01.2023 the bail of the present petitioner has already been rejected
by this Court vide Cr. Misc. No. 21568 of 2022 with an observation
that learned trial court is directed to expedite the trial as early as



possible. Learned counsel for the petitioner submits that petitioner is in custody since 05.01.2022 and bears no criminal antecedent. He further submits that there is no progress in the trial and the delay of trial is not attributable to the petitioner as he is in custody since 05.01.2022 which is more than one year and nine months.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail for the petitioner was rejected on merit vide order dated 10.01.2023 passed in Cr. Misc. No. 21568 of 2022.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 185/2023 has sent its report which reveals that out of 11 accused persons, five accused persons are absconding and N.B.W. as well as process under Section 82 and 83 Cr.P.C have been issued against them. Presently the case is pending for appearance of said accused persons. The aforesaid report further reveals that the trial court has sought six months time for concluding the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8 The trial court is directed to separate the record of present petitioner and make efforts to conclude the trial of the



petitioner within six months from the date of receipt/production of copy of this order, by putting the trial on day to day basis. However, if the trial is not concluded within six months, petitioner may renew the prayer for bail.

(Alok Kumar Pandey, J)

vashudha/-

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