

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55507 of 2022

Arising Out of PS. Case No.-561 Year-2019 Thana- DANAPUR District- Patna

Md. Anwar Hussain, Son of Manauwar Hussain, Resident of Mohalla -
Khalilpura, P.S.- Phulwarisharif, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Vasant Kumar Choudhary, Sr. Advocate
		Mr. Arvind Kumar, Advocate
For the Opposite Party	:	Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-07-2023 Heard Mr. Vasant Kumar Choudhary, learned senior
counsel for the petitioner and Mr. Fahimuddin, learned APP for
the State.

2. The petitioner has renewed his prayer for regular bail
in connection with Danapur P.S. Case No. 561 of 2019 registered
for the offences punishable under Sections 302, 120(B), 224, 353,
307, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26,
27 and 35 of the Arms Act. He has no criminal antecedent. He has
remained in custody since 31.07.2019.

3. Earlier his prayer for bail was rejected by this Court
on three occasions. The last rejection is dated 09.03.2022 in Cr.
Misc. No. 71990 of 2021.

4. Learned senior counsel for the petitioner submits that
this petitioner is in custody since 31.07.2019 and despite
observations of this Court to keep the records on shorter dates and



conclude the trial as early as possible preferably within a period of six months, the trial has not been concluded.

5. Earlier, this Court called for a report from the learned trial court. The report is available at Flag 'R'. A perusal of the same would show that altogether eight witnesses have been examined in this case but since 13.12.2022, no witness has been examined on behalf of the prosecution. The report further shows that summons against non-examined witnesses have been sent through SSP, Patna but the execution report of theailable warrants have not been received, hence, freshailable warrants have been issued against non-examined non-official witnesses and a letter has been sent to the Director (Forensic Science Laboratory, Patna) for the remaining two witnesses related to Forensic Science Laboratory, Patna. The trial court expects that the trial may be concluded within six months.

6. Having regard to the report available on the record and on finding that eight witnesses have already been examined and the trial is expected to be concluded in six months' time, this Court is not inclined to grant bail to the petitioner at this stage.

7. The prayer for regular bail of the petitioner is, thus, refused.

8. This Court would, however, direct the SSP, Patna to execute the summons/ailable warrants as the case may be as



early as possible and in any case before the next date fixed in the matter. The SSP, Patna shall also direct the Director, Forensic Science Laboratory, Patna to send the witnesses on the dates fixed in the matter. The trial court shall as per the earlier order keep the records on shorter dates and conclude the trial within the expected time of six months.

9. Considering that the petitioner has already spent approximately four years, this Court grants liberty to the petitioner that in case the trial is not concluded within the given period of six months from the date of receipt/production of a copy of this order in the learned court below, he will be at liberty to file an application for grant of bail in the court below itself which will be considered in accordance with law.

10. This application stands disposed of accordingly.

11. A copy of this order be communicated to the SSP, Patna and the Director, Forensic Science Laboratory, Patna.

(Rajeev Ranjan Prasad, J)

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