

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67034 of 2023**

Arising Out of PS. Case No.-755 Year-2020 Thana- KAHALGAON District- Bhagalpur

DIVYANSHU JHA @ SONI JHA @ SONI SON OF LATE KAPILESHWAR
JHA RESIDENT OF VILLAGE NADIA TOLA, STATION CHOWK, P.S
KAHALGAON, DISTRICT BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 06-10-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in connection with S.T. No.148/2021, arising out of Kahalgaon P.S. Case No. 755/2020 dated 30.11.2020, G.R. No. 4689/2020, registered for the offence punishable under Sections 341, 323, 324, 307, 353, 332, 333 of the IPC & Sections 25(1-aa), (b/26) of Arms Act and Sections ¾ of Explosives Substance Act.
3. This is the third attempt of the petitioner to seek regular bail. It is next submitted that the petitioner is in custody since 01.12.2020 and charges have been framed on 19.09.2022 but till date not a single witness has been examined, when the witnesses are police personnel. It is, thus, submitted that since the petitioner was falsely implicated, as such, the prosecution witnesses are not



appearing in the court, as such trial is pending. It is next submitted no doubt the petitioner has antecedent of nine cases but then the allegation as alleged in the F.I.R. has to be tested in a duly constituted trial, which is being delayed at the behest of the prosecution.

4. The learned APP opposes the bail application.

5. The Court, for the present, is not inclined to release the petitioner on bail, in connection with S.T. No.148/2021, arising out of Kahalgaon P.S. Case No. 755/2020, G.R. No. 4689/2020, pending in the Court of learned Additional Sessions Judge-11th, Bhagalpur.

6. Accordingly, the prayer for bail of the petitioner is hereby rejected.

7. However, the learned trial court is directed to ensure that the trial of the petitioner is completed expeditiously and preferably within a period of one year from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

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