

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70393 of 2023

Arising Out of PS. Case No.-113 Year-2020 Thana- PARAIYA District- Gaya

Arjun Manjhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar Patel

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-12-2023 Heard Mr. Madhav Kumar, learned counsel appearing on behalf of the petitioner and Mr. Akshay Lal Pandit learned Additional Public Prosecutor for the State.

2. The petitioner renewing his prayer for regular bail, who is in custody in connection with Paraiya P.S. Case No. 113 of 2020 dated 18.05.2020 registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code giving rise to Sessions Trial No. 243 of 2021.

3. Earlier the prayer for bail of the petitioner was negated by this Court vide order dated 31.08.2022 in Criminal Miscellaneous no. 54929 of 2021, after taking into consideration the specific nature of accusation and the materials available on record. It is needless to observe that while rejecting the prayer for bail of the petitioner, this Court has directed the learned Trial



Court to take all necessary measures to expedite the trial and conclude the same as early as possible.

4. It is submitted on behalf of the petitioner that despite the fact that petitioner has been incarcerated since 19.05.2020 till date out of 8 witnesses only 5 witnesses have been examined. This fact is also corroborated by the status report submitted by the learned Trial Court. He next submits that irrespective of the fact the prayer for bail of the petitioner has earlier been rejected on merits, but the fact is that none of the witnesses during the trial has supported the prosecution case and, as such, there is every chances of acquittal at the conclusion of the trial. Under such circumstances he submits that keeping the petitioner behind the bar would serve no further purpose. That apart he submits that the very object of the bail is to secure the attendance of the accused persons in trial and the petitioner is ready to give undertaking that he will remain present on each and every date.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that earlier the prayer that bail of the petitioner has already been rejected and there is no cogent overwhelming circumstances for reconsideration, moreover the trial is in progress and the same is



likely to be concluded in a near future.

6. Regard being had to the submissions made on behalf of the parties and taking note of the period of incarceration which is more than 3 ½ years this Court directs the learned Trial Court to take all the efforts to conclude the trial preferably within a period of three months, failing which, the petitioner is at liberty to renew his prayer for bail again before this Court. With this observation, the present application stands dismissed.

(Harish Kumar, J)

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