

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14042 of 2024

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Chetan @ Chetan Kumar Rai @ Chetan Rai Son of Late Panchanand Rai
Resident of Village- Laxmi Charan ka hata, P.S.- Ara Nawada, District-
Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28144 of 2024

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Dabal Yadav S/o- Birendra Yadav @ Birendra Kumar Yadav Resident of
village- Anand Nagar Sarkari Bandh, P.S.- Ara Town Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14042 of 2024)

For the Petitioner/s : Mr. Raj Mishra, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

(In CRIMINAL MISCELLANEOUS No. 28144 of 2024)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 26-04-2024 Both the bail applications arise out of the same P.S.

giving rise to the same Sessions Trial seeking prayer for bail, are

being heard together with the consent of the parties and

disposed of by the common order.

2. This is the third attempt made on behalf of the

petitioners seeking grant of their regular bail, who are



languishing in judicial custody in connection with Ara Town P.S. Case No. 678 of 2021 (Sessions Trial No. 190 of 2022) registered for the offences punishable under Sections 302/34 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier twice the prayer for bail of the petitioner were rejected considering the serious nature of accusation and their involvement in causing death of the father of the informant. However, on the last occasion when the prayer for bail of the petitioners was taken up, this Court considering the stage of the trial specially observed that the learned trial Court shall take all endeavours to conclude the trial, as early as possible, preferably within a period of three months, failing which the petitioner is at liberty to renew his prayer for bail before this Court.

4. In light of the observations made by this Court, both the petitioners renewed their prayer for bail with the submissions that despite the lapse of more than 4-5 months, the trial is yet not concluded and one of the charge-sheet witnesses is yet to be examined. In the aforesaid premise, learned counsel for the petitioners pressed the present application.

5. Learned counsel for the petitioners also drew the



attention of this Court to the deposition of the witness, who were examined in the trial and shown the inconsistencies crept in their depositions. It is also the contention of the petitioners that in fact the witnesses, who were claiming themselves to be eyewitnesses they have also not specifically pointed towards the complicity of the petitioners in causing death of the deceased.

6. On the other hand, learned counsel for the State as well as informant submitted that all the charge-sheet witnesses except one Pankaj Kumar have been examined. The Investigating officer has also been examined and the prosecution has also filed an application to close its evidence which application is pending for order.

7. After careful consideration of the submissions and on perusal of the FIR showing accusation against the petitioners, undoubtedly the allegation is serious in nature. Besides, the aforesaid facts both the petitioner carrying criminal antecedent. Moreover, it is admitted that the trial is at the fag end and if the genuine endeavours would be taken, there is every chances that the same would be concluded in a short span of time.

8. In view of the aforesaid facts, this Court would deem fit and proper to request the learned trial Court to take all necessary endeavours to conclude the trial, as early as possible



and if need be the learned trial Court take up the matter on day to day basis or on priority basis taking note of the urgency of the other matters and conclude the same to the earliest; keeping in mind that the petitioners have been in judicial custody since 04th October, 2021.

9. With these observations, the prayer for bail of the petitioners stand rejected.

(Harish Kumar, J)

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