

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74608 of 2022**

Arising Out of PS. Case No.-849 Year-2018 Thana- SHASTRINAGAR District- Patna

Laxman Kumar @ Lakshman Kumar Son of Late Piyariya Prasad Resident of- Chhotki Chariyari, P.S.- Chandi, District- Nalanda, At present Resident of- Chaprasi, Qr. N. 54, Shastri Nagar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Rajeev Kumar, Advocate     |
| For the Opposite Party/s | : | Mr. Mithlesh Kumar Khare, APP  |
| For the Informant        | : | Mr. Abhimanyu Sharma, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      13-03-2024                      Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. By filing this application, the petitioner has renewed his prayer for bail in connection with Shastri Nagar P.S. Case No. 849 of 2018 registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act. Earlier, the prayer for bail of the petitioner has been rejected twice in Cr. Misc. No. 35457 of 2019 and Cr. Misc. No. 29196 of 2020. he has got two criminal antecedents in which he is on bail.

3. As per the prosecution story, on 05.12.2018 at about 10:00 am, the informant got information that his brother Jitendra Kumar, a practicing Advocate of Patna High Court has



received bullet injury and he was taken to IGIMS where he was declared dead. The alleged occurrence had taken place due to a previous land dispute.

4. Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner, this Court had directed the learned trial court to proceed with the trial without granting any adjournment in the case and the trial court was expected to conclude the trial within a period of six months, but till date the trial has not been concluded. It is submitted that in the meantime, the petitioner has remained in custody since 18<sup>th</sup> February, 2018.

5. On the other hand, learned counsel for the informant submits that the prayer for bail of the petitioner was rejected on merit, considering the materials available against him and his criminal antecedents.

6. It is submitted that the petitioner is in custody but is not cooperating in conclusion of trial, which will be evident from the report received from the learned trial court.

7. This Court has heard learned counsel for the parties and perused the report of the learned trial court. Learned counsel for the petitioner submits that the trial is pending in the court of learned A.D.J.-XX, Patna. As per the report dated 31<sup>st</sup>



January, 2024 received from the then learned trial court, being Additional District and Sessions Judge, Patna-XVI, it would appear that the records are fixed for argument, but neither the prosecution side nor the defence side could argue the matter and this was commonly submitted on behalf of all that in this matter the complete argument had been advanced several times by the prosecution as well as the accused persons. It has also been pointed out that on behalf of the informant, a CWJC had been referred before this court to revert back this matter to the learned Presiding Officer who had heard the complete argument.

8. This Court has been informed that now the records have been sent back to the same learned Presiding Officer who had heard the complete argument.

9. In the aforesaid view of the matter, as the case is now pending for final argument and thereafter the judgment, this Court is not inclined to entertain this application for bail on the ground of period of custody alone. The learned trial court with whom the records are pending must proceed with the matter and all endeavors be made to conclude the trial and pronounce the judgment within two months from the date of receipt/production of a copy of this order. Neither parties shall make prayer for adjournment and the court shall not grant



adjournment unless it is so necessary in compliance of any order  
of this Court.

10. This application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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