

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70558 of 2024

Arising Out of PS. Case No.-631 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Zain Raza S/o Late Ahmad Hussain Residence at Raja Bari, Khazanchi Hat,
P.S. - K. Hat (Sahayak), Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-01-2025 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
K. Hat (Sahayak) P.S. Case No.631 of 2021 lodged under
Sections 147, 148, 149, 447, 341, 307, 387 and 506 of the IPC
read with Section 27 of the Arms Act.

3. Learned Counsel for the petitioner submits that the
bail application of the petitioner has earlier been rejected thrice.
Firstly, the anticipatory bail *vide* order dated 26.11.2021 passed
in Cr. Misc. No.62419 of 2021, was dismissed as withdrawn,
then regular bail *i.e., vide* order dated 17.11.2022 passed in Cr.
Misc. No.37655 of 2022 and again regular bail application *i.e.,*
vide order dated 09.02.2024 passed in Cr. Misc. No.60646 of
2023.

4. Learned Counsel for the petitioner further submits



that first time, the bail application has been rejected with specific direction to the trial court to expedite the trial within 9 months after framing of charge. He further submits that the charge has been framed on 07.12.2023, but the petitioner has filed the second regular bail application prior to lapse of 9 months. Therefore, the bail application was rejected again.

5. Counsel further submits that this is a third regular bail application of the petitioner. He further submits that progress report has been called for.

6. Learned Counsel for the State opposes the prayer for bail and submits that from the report, it becomes crystal clear that the different accused persons of this case are in custody in different jails and it is due to this reason, trial could not be completed within 9 months as per the report of Additional Sessions Judge, Purnia.

7. As such, this Court hereby observed that *w.e.f.* 01.07.2024, Bharatiya Nagarik Suraksha Sanhita, 2023 has come and upon perusal of Section 530 read with 530(1) of the B.N.S.S., 2023, it is made clear that trial and proceedings to be held in electronic mode in frequent manner. Since different accused persons are in custody in different central jail *i.e.*, Central Jail, Buxar, Central Jail, Purnia. Therefore, I.G., Prison is directed to do needful so that the speedy trial of the accused persons which is the constitutional vision of justice, shall be



completed in the light of provision of BNSS mentioned above.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner at present. Therefore, the bail application of the petitioner is hereby rejected.

9. On the other hand, this Court hereby directs the I.G., Prison, Bihar to do the needful so that the trial and proceedings of the accused persons to be held in electronic mode.

10. The District Judge, Purnea is hereby directed to arrange the meeting with I.G., Prison, Bihar in compliance of the order passed by this Court and conduct the speedy trial of the accused persons.

11. Registry is directed to communicate this order forthwith to the I.G., Prison, Bihar. Registry is further directed to hand over a copy of this order to Mr. Jagdhar Prasad, Learned A.P.P. who shall communicate this order to the I.G., Prison, Bihar at his level, who conclude the trial within 9 months from the date of communication.

(Dr. Anshuman, J.)

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