

**(2021) 06 PAT CK 0092**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 12370 Of 2021

Pradeep Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision:** June 23, 2021

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 302, 304B

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Priyesh Kumar, Madhuri Lata

**Final Decision:** Dismissed

### **Judgement**

1. The matter has been heard via video conferencing.
2. Heard Mr. Priyesh Kumar, learned counsel for the petitioner and Ms. Madhuri Lata, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
3. The petitioner is in custody in connection with Harsidhi PS Case No. 42 of 2019 dated 28.01.2019, instituted under Sections 304B, 302 and 201/34 of the Indian Penal Code.
4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 11.12.2019 passed in Cr. Misc. No. 46040 of 2019.
5. Learned counsel for the petitioner reiterated the submissions which were advanced on behalf of the petitioner and recorded in order dated 11.12.2019.

6. Earlier, by order dated 12.04.2021, a report was called from the Court below with regard to the status of the trial. In terms thereof, report dated

13.04.2021 has been received from the 21st Additional District and Sessions Judge, East Champaran, Motihari in which it has been stated that the trial

would take at least two months to conclude due to COVID-19 pandemic.

7. Learned APP submitted that there are no mitigating circumstances, except for efflux of time, for reconsideration of the prayer, especially in view of

what has been recorded on merits in order dated 11.12.2019.

8. Learned counsel for the petitioner submitted that the Court below be directed to conclude the trial at the earliest.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of what has been recorded in

the earlier order dated 11.12.2019 passed in Cr. Misc. No. 46040 of 2019, the Court is not inclined to grant bail to the petitioner.

10. Accordingly, the application stands dismissed.

11. However, in view of the report received from the Court below, let the trial be concluded expeditiously and latest within six months.

Registry shall communicate the order to the Court below forthwith.