

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10469 of 2020**

Arising Out of PS. Case No.-92 Year-2017 Thana- SHANKARPUR District- Madhepura

Santosh Chaudhary, Son of Deep Narayan Chaudhary, Resident of Village -
Basantpur, Ward No. 17, P.S.- Shankarpur, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, A.P.P.

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

3 25-06-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Shankarpur P.S. Case No. 92 of 2017 registered for the offences punishable under Sections 304-B, 120-B/34 of the Indian Penal Code.

Earlier the prayer of bail of the petitioner was rejected by this Court vide order dated 18.01.2018 passed in Cr. Misc. No. 3173 of 2018.

Learned counsel for the petitioner submits that the petitioner is in custody for about three years and yet the trial has not been concluded.

This Court had called for a report from the learned



court below with regard to the present stage of the trial. Report vide letter no. 41/2020 received from Additional Sessions Judge VI, Madhepura available at Flag 'A' states that the trial has already begun and out of 11 prosecution witnesses, one witness has been examined. Summons have been issued against the prosecution witnesses and the next date fixed in the matter was 24.06.2020. (yesterday). Learned trial court has further stated that the trial is likely to be concluded approximately within six months.

Learned A.P.P. for the State submits that since the trial has already begun and the trial court is expecting to conclude the trial, at this stage, if the petitioner is released on bail, the trial may be delayed. Hence, instead of granting bail to the petitioner at this stage, let the trial court be directed to conclude the trial within the aforesaid period.

Having regard to the facts and circumstances of the case, where the learned trial court has informed this Court that summons have already been issued to the prosecution witnesses and the trial is likely to be concluded within six months, this Court is not inclined to enlarge the petitioner on bail at this stage.

Let the trial be concluded within six months from the



date of start of normal functioning of the Court or if it is possible to conduct the proceeding through virtual Court and the same may be considered.

If the trial is not concluded within the aforesaid period because of failure of prosecution to co-operate with the trial court in bringing the witnesses, this petitioner is at liberty to renew his prayer for bail on expiry of six months as stated above.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

