

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17760 of 2020**

Arising Out of PS. Case No.-81 Year-2018 Thana- VAISHALI District- Vaishali

Shankar Ram, S/o Yadu Ram, R/o village- Bardahiya Chakight, P.S.- Vaishali,
District- Vaishali Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Vinod Shanker Modi, A.P.P.

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

3 07-07-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is seeking regular bail in connection with
S.Tr. No. 164 of 2019 arising out of Vaishali P.S. Case No. 81 of
2018 registered for the offences punishable under Sections 147,
148, 149, 323, 307 and 302 of the Indian Penal Code.

On the last date the matter was adjourned at the instance
of learned counsel for the petitioner as he wanted to file deposition
of the witnesses who have deposed in course of trial. Today,
learned counsel for the petitioner submits that he would require
another one month to place the same on the record and for this
purpose the matter be kept pending.

In the last order itself, this Court had noticed that the
learned Additional District and Sessions Judge VII, Vaishali at
Hajipur has while rejecting the prayer for bail of the petitioner
noticed that five prosecution witnesses have been examined in



course of trial and they have supported the prosecution case. There was no fresh ground for allowing the bail.

On the record there is also a report received from the court of learned Additional District and Sessions Judge VII, Vaishali at Hajipur vide letter no. 15 dated 09.06.2020. In his report he has stated that six prosecution witnesses have already been examined, the last witness was examined on 28.02.2020 and bailable warrants have also been issued against the Investigating Officer and the Doctor who has performed post-mortem examination in this case.

The learned trial court has prayed for four months time to conclude the trial but because of the present ongoing pandemic period, this Court finds that the said four months prayed by learned trial court has expired.

Considering the fact that now six witnesses have already been examined and the trial court has prayed for further three months time for conclusion of trial, instead of keeping this application pending by granting adjournment to the petitioner, this Court deems it just and proper to dispose it of with a direction to the learned trial court to conclude the trial within a period of three months from the date of start of normal functioning of the Court when the evidence of the witnesses will be recorded.

This Court has since noticed that the learned trial court



has issued bailable warrants against the Investigating Officer and the Doctor, the Court is of the view that the prosecution is apparently not co-operating in course of trial. If the learned trial court is getting compelled to issue warrant against the Police Officer and the Doctor, the State will have to think of its own system where its own official witnesses are not coming forward to co-operate in course of trial.

This Court, therefore, directs the Superintendent of Police, Vaishali at Hajipur to look into the matter and ensure that both official witnesses are produced in the trial court on the date fixed for evidence by executing the warrant of arrest which has been issued by the learned trial court. It will be his responsibility.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

