

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20298 of 2020**

Arising Out of PS. Case No.-232 Year-2018 Thana- BAHERA District- Darbhanga

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AJAY SONI @ RAM CHARITRA SAHU Son of Jagdish Sahu Resident of
Village- Ramauli, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra

For the Opposite Party/s : Mr. Umeshanand Pandit

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 01-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption
of court proceeding in physical mode.

If the defect(s) is not removed within the
undertaken period, the office will place the matter again.

Heard learned counsel for the petitioner and the State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections 341,
323, 326A, 307 and 504/34 of the IPC.



The prosecution case, as per the fardbeyan of Rinku Kumar Yadav, recorded by S.I., Upendra Kumar Singh on 04.06.2018 a about 4.40 P.M. at Darbhanga Medical and College Hospital, Darbhanga is to the effect that on 03.06.2018 at about 8.30 P.M., the informant was going by his car, but on the way, he saw, Co-accused Krishna Sahu abusing his nephew, Avinash Kumar when the informant tried to pacify the issue, in the meantime, five accused persons including the petitioner threw acid, being brought by the female family members of the accused persons, as a result, five persons from the informant's side received acid burn injury.

Learned counsel for the petitioner submits that the investigation has already been concluded and the petitioner is in custody since 05.06.2018. The earlier prayer for bail of the petitioner was rejected vide order dated 10.10.2018, passed in Cr. Misc. No. 52424 and again vide order dated 10.07.2019, passed in Cr. Misc. No. 32432 of 2019 when the trial court was directed to conclude the trial within a period of six months. The report of the learned 2nd Additional Sessions Judge, Benipur, Darbhanga dated 04.07.2020 suggests that out of seven chargesheeted witnesses, four witnesses have been examined and only the I.O. and Doctor are remained to be examined and



the trial is likely to be concluded within three months of resumption of court proceeding in physical mode. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. In the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that accusation of causing acid burn injury is specific against five accused persons including the petitioner, the report of the trial court to the effect that only I.O. and the Doctor are left to be examined and the trial is likely to be concluded within a period of three months after resumption of court proceeding in physical mode, this court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner in connection with Bahera P.S. Case No. 232 of 2018, S. Tr. No. 06 of 2019, pending in the Court of learned 2nd A.D.J. Benipur, Darbhanga, is rejected.

However, the petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of



three months of resumption of court proceeding in physical mode.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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