

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22197 of 2020**

Arising Out of PS. Case No.-112 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Ranjan Kumar, S/o Sri Jay Kumar Singh, Resident of Village- Kathrua, P.S.-
Town, Distt- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra, Advocate

For the Opposite Party/s : Mr. Matloob Rab, APP

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

3 10-09-2020 Heard learned counsel for the petitioner and Mr. Matlub
Rab, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with S. Tr. No. 479/18/388/18 arising out of Town (Aurangabad) P.S. Case No. 112/2018 registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier on two occasions the prayer for regular bail of the petitioner was rejected by learned predecessor court. While rejecting the prayer for bail lastly on 07.08.2019 this Court had directed the learned court below to frame charge within 15 days and make efforts to conclude the trial on priority basis either by fixing the case on day-to-day basis or by giving short adjournment as early as possible preferably within a period of nine months from the date receipt of the copy of the order



and send compliance report to this Court. The petitioner was granted liberty to renew his prayer for bail if the trial is not concluded within the aforesaid period.

Learned counsel submits that after the order passed by this Court on 07.08.2019 the charge was framed on 03.09.2019 but since then on 05.03.2020 i.e. for a period of six months only two prosecution witnesses would be examined. This Court called for a report from the learned trial court. Report is received vide letter no. 99 of 2020 dated 27.08.2020 kept at Flag 'A'. Perusal of the letter shows that after framing of charge case was fixed on 16.10.2019 thereafter it was adjourned to 07.12.2019, 13.12.2019, 21.12.2019, 13.01.2020, 22.01.2020, 24.02.2020 and lastly on 05.03.2020 before the Court normal functioning was stopped because of the Covid-19 pandemic. The letter reveals that the appearance of prosecution witness no. 2 had to be procured after issuing non-bailable warrant of arrest against him. It shows that the prosecution is not taking appropriate steps to facilitate early conclusion of trial.

Learned counsel submits that out of 6 charge-sheet witnesses there are four material witnesses and two official witnesses who are yet to be examined.

Learned APP for the State submits that in this case since two witnesses have already been examined, instead of considering the prayer for bail at this stage, this Court may direct the learned trial court to conclude the trial within a reasonable period without



granting unnecessary adjournments and in case the prosecution is not cooperating with the trial, an appropriate coercive measures against them.

Having regard to the facts and circumstances of the case, noticing that now two materials witnesses and two official witnesses have remained to be examined, this Court is not inclined to grant bail at this stage. The trial court is directed to expedite the trial, follow the order dated 07.08.2019 passed by this Court in Cri. Misc. No. 39909 of 2019 and in case the prosecution is not cooperating with the trial on day-to-day basis the trial court may take steps in accordance with law to get appearance of the witnesses and conclude the trial. The case should be fixed on day-to-day basis only. No adjournment of any kind be given unless it becomes absolutely necessary. In case the trial is not concluded within four months after start of physical functioning of the Court, the petitioner would be at liberty to renew his prayer for bail.

The application stands disposed of.

(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'.

