

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1639 of 2020

Arising Out of PS. Case No.-195 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

BHAGIRATHI PRASAD CHOURASIA @ DR. BHAGIRATHI @
BHAGIRATHI Son of Jawahar Chaurasiya Resident of Village- Patna City,
P.S.- Khajekalan, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 21-12-2020

I.A. No. 1 of 2020

The instant application has been filed by the appellant praying for condoning the delay of about 11 months in filing the appeal against the order dated 1.6.2019.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant, I find that the appellant has made out a case for condonation of delay.

The delay is condoned and the interlocutory application (I.A. No. 1 of 2020) is allowed.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State, through video conferencing.



The appellant has renewed his prayer for bail in connection with Udwanthnagar P.S. Case No. 195 of 2018 registered under sections 304 and 34 of the Indian Penal Code and sections 3(1)(r)(s) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act and also praying that the order dated 1.6.2019 be set aside.

The prayer for bail of the appellant was earlier rejected vide order dated 22.10.2019 (Annexure-1) passed in Cr. Appeal (SJ) no. 2848 of 2019 directing the learned trial court to conclude the trial as expeditiously as possible preferably within five months from the date of framing of charge and the S.P. Bhojpur was directed to ensure production of witnesses in the case on each and every date fixed.

It is submitted by learned counsel for the appellant that the charge in the trial had been framed on 19.12.2019 and in spite of more than one year having passed since the observation given in the aforesaid order dated 22.10.2019, the trial has still not concluded. It is submitted that the appellant is in custody since 31.5.2019 and there is no chance of the trial concluding in near future.

The appeal is opposed by learned Spl.P.P. appearing for the State.



By order dated 5.11.2020 a report was called for from the learned Trial Court with respect to stage of the trial. A report has been received contained in letter no. 205 of 2020 dated 26.11.2020 written by 1st Additional District and Sessions Judge, Bhojpur, Ara. It has been stated therein that altogether eight witnesses have been examined and the case is fixed on 1.12.2020 for evidence of the doctor who is the only witness who remains to be examined. It is further stated that if the defence cooperates, the trial can be completed within 30-45 days.

In view of the facts and circumstances of the case, the trial having come near conclusion, the Court is not inclined to enlarge the appellant on bail. The appeal is rejected.

Having heard learned counsel for the parties and having gone through the report contained in the aforesaid letter dated 26.11.2020, the only remaining prosecution witness to be examined is the doctor. In case, he was not examined on 1.12.2020, the Superintendent of Police, Bhojpur shall ensure his production and examination as a witness on the next date.

Let a copy of this order be communicated to the Superintendent of Police, Bhojpur.

The learned trial court is directed to conclude the trial



at the earliest.

(Partha Sarthy, J)

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