

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25484 of 2020**

Arising Out of PS. Case No.-84 Year-2015 Thana- AGIAON District- Bhojpur

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UMESH RAI Son of Late Rameshwar Rai @ Rameshwar Ray Resident of
Village- Bahadurpur, P.S.- Agiaon (Garhani), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 19-10-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case has moved this Court in his 3rd attempt to obtain regular bail in connection with Agiaon (Garhani) P.S. Case No.84 of 2015 registered for the offence under Sections 147, 148, 149, 448, 324, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner has pointed out that on the last occasion while passing the order dated 18.09.2019 a learned coordinate Bench of this Court had disposed of Cr.Misc.No.40739/2019 with a direction to the learned court below to proceed with the trial on day to day basis and no undue adjournment be granted to either of the parties and it was directed that the same must be concluded before 30.11.2019. It is submitted



that now a fresh report has been called for by this Court after one year and the report nowhere shows as to what happened after the order was passed by the learned coordinate Bench of this Court on 18.09.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner by submitting that the prayer for regular bail of the petitioner has been rejected earlier on merit and it would not be proper at this stage to release him on bail when the fresh report of the learned court below is saying that the trial may be concluded within four months.

Having regard to the facts and circumstances of the case, this Court finds from the report contained in letter no.89/2020 that the learned court below has taken all possible efforts for production of three private charge-sheet witnesses and the I.O. of the case but they are still to be examined. Fresh non-bailable warrant has been issued to the witnesses through S.P., Bhojpur, Ara and it is for this reason that the four months further time is being prayed for. The report is not saying as to what happened after 18.09.2019 and whether the order of this Court was complied with by taking up the matter on day to day basis.

Learned Sessions Judge, Bhojpur, Ara is, therefore, directed to look into this matter and in case order of the Court has not been complied with by taking up the matter on day to day basis a report in this regard be sent to this Court. This order is being passed



considering that the lockdown has started in the country after 23.03.2020 whereas the direction of this Court was to conclude the trial by 30.11.2019. At the same time, Superintendent of Police, Bhojpur, Ara is directed to ensure execution of non-bailable warrants said to have been issued against the private witnesses and the I.O. of the case. It will be his responsibility to ensure execution of the warrants not only against the witnesses but against all those including I.O. if NBW has been issued against him by the learned court below and produce all the witnesses in the trial on the date fixed in the matter.

Let the trial court take up this matter on day to day basis as per the earlier direction of this Court and ensure that the trial is completed by 31.01.2021.

This Court is not inclined to grant bail to the petitioner only on the ground of period spent by him considering the gravity of the offence.

Let the order be communicated to learned court below as well as S.P., Bhojpur, Ara through Fax.

This 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'.

