

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29196 of 2020**

Arising Out of PS. Case No.-849 Year-2018 Thana- SHASTRINAGAR District- Patna

LAXMAN KUMAR S/o Late Piyariya Prasad Resident of Village-Chhotaki
Chhariyari, Police Station-Chandi, District-Nalanda, at present peon Quarter
No.54, Shastri Nagar, P.S.-Shstri Nagar, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

3 01-12-2020

Perused the report received from the learned trial court.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking regular bail in
connection with Shastri Nagar P.S. Case No. 849 of 2018 registered
for the offences punishable under Sections 302/120(B) of the Indian
Penal Code and Section 27 of the Arms Act.

Earlier the prayer for regular bail of the petitioner was
rejected vide order dated 03.03.2020 passed in Cr. Misc.No. 35457 of
2019. While rejecting the prayer for regular bail of the petitioner,
learned co-ordinate Bench of this Court had taken note of the
submission of learned counsel for the petitioner that the co-accused
who are named in the FIR have been enlarged on bail. Learned co-
ordinate Bench took note of the statement of the State that the active
involvement of the petitioner in connection with this case has



surfaced and he is also involved in two other cases.

The report received from the learned trial court shows that the case is at the stage of evidence, three prosecution witnesses had turned up on 30.09.2020 and 09.10.2020 for their examination but their evidence could not be taken due to absence of the accused persons and their learned counsel. The learned court below has also recorded that the court is not insisting for personal appearance of the accused persons during this pandemic period. It is further stated in the report that the court is likely to conclude the trial of the case within a period of six months after the situation gets normal.

Learned counsel for the petitioner submits that in the present day circumstance the witnesses could have been examined even by resorting to the virtual presence of the accused persons who are in judicial custody and if such steps are not being taken and witnesses are being returned, the petitioner is likely to suffer because of non-conclusion of trial for a long period.

Learned APP for the State submits that earlier the prayer for bail of the petitioner was rejected after considering the allegations against him and the material collected in course of investigation, therefore the period of custody alone may not be a ground to release him on bail particularly considering his criminal antecedents and active involvement in the present case.

Having regard to the facts and circumstances of the case, in the nature of the materials present and noticed by the learned co-



ordinate Bench, this Court is not inclined to enlarge the petitioner on bail only on the ground that the trial has not been concluded within the given six months.

This Court would, however, direct the learned trial court to proceed with the trial without granting any adjournment in the case and as far as possible the presence of the accused who are in judicial custody may be obtained through virtual mode and all efforts be made not to return the prosecution witnesses who turn up in the physical court. If the trial court is working physically, it is expected that the trial be concluded within a period of six months.

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'.

