

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30534 of 2020**

Arising Out of PS. Case No.-74 Year-2016 Thana- BUXAR District- Buxar

Rahul Yadav, Son of Kamal Yadav, Resident of Budhanpurve, P.S.- Nagar,
District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Dr. Ravindra Kumar, A.P.P.

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

3 08-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dr. Ravindra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Town (Buxar) P.S. Case No. 74 of 2016 arising out of S. Tr. No. 287 of 2017 registered for the offence under Sections 341, 147, 148, 149, 302, 326, 120(b) of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that this petitioner is in jail in connection with this case since 28.06.2016 and the trial has yet not concluded.



Earlier this Court had called for a report from the learned trial court as to the present stage of the case and the time likely to be taken in conclusion thereof.

The report has been received vide letter no. 110 dated 27.11.2020. It is stated therein that altogether six charge-sheeted witnesses have been examined in this case and N.B.W. has been issued against independent witnesses and the summon has been issued to government witnesses. The court has kept this case on priority basis but there has been some delay for various reasons indicated in the said letter including one because of the present COVID-19 Pandemic. The report also shows that the court is running complete physically from 24.11.2020 and the learned trial court has indicated that it will take best possible efforts to conclude the trial within a period of three months if both parties will cooperate.

Learned A.P.P. for the State submits that in view of the report of the learned trial court the trial may be allowed to be concluded instead of entertaining the bail application at this stage.

Having regard to the facts and circumstances of the case as this Court finds that the trial is likely to be concluded within a period of three months only as has been indicated by



the learned trial court, this Court is not inclined to grant regular bail to the petitioner at this stage. This would, however, not prejudice the case of the petitioner.

The learned trial court shall take all efforts to conclude the trial within a period of three months from the date of receipt/production of a copy of this order. The court shall exhaust all possible ways to obtain the appearance of all the independent witnesses as well as the government witnesses within a time frame. Both the parties shall cooperate.

If the trial is not concluded within a period of three months for reasons not attributable to this petitioner, the petitioner may renew his prayer for bail before this Court.

This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

