

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72527 of 2019

Arising Out of PS. Case No.-27 Year-2017 Thana- MEHUSH District- Sheikhpura

Jaiki Singh, age 30 years, Male, Son of Sri Naresh Singh @ Naresh Prasad @ Naresh Prasad Singh, Resident of Village - Mehush, P.S.- Mehush, District-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-05-2020

The matter has been heard *via* video conferencing in view of the lockdown imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Mehush P.S. Case No.27 of 2017 dated 23.09.2017 instituted under Sections 324, 307/34 Indian Penal Code and 27 of the Arms Act.

4. Earlier, prayer for bail was rejected by a co-ordinate Bench on 08.03.2019 in Cr. Misc. No.77372 of 2018 giving liberty to the petitioner to renew his prayer for bail after



six months if no substantive progress is made in the trial and the Court below was directed to conclude it as early as possible, preferably, within a period of six months. The present application has been filed in terms thereof.

5. Earlier, the Court had called for a report from the trial Court and the same has been received from the 2nd Additional Sessions Judge-cum-Special Judge (Excise), Sheikhpura, dated 18.03.2020, in which it has been stated that all the 8 charge-sheet witnesses, including the Doctor and IO have been examined and the prosecution evidence has been closed on 18.03.2020 and the matter was next fixed for 27.03.2020 for recording the statement of the accused under Section 313 of the Code of Criminal Procedure, 1973.

6. Learned counsel for the petitioner submitted that in view of the earlier observation of the Court to move again if the trial is not concluded after six months, the petitioner be granted indulgence. It was further submitted that on merits also, there is discrepancy in the deposition of the doctor which clearly gives rise to doubt about the allegation against the petitioner. It was submitted that the petitioner is in custody since 21.05.2018.

7. Learned APP submitted that on 08.03.2019, the co-ordinate Bench while rejecting the prayer for bail of the



petitioner had given liberty to renew the prayer for bail after six months only if no substantive progress is made in the trial. It was submitted that from the report of the trial Court, it is obvious that the entire prosecution evidence of eight witnesses has been closed on 18.03.2020 and, thus, now, the onus is on the petitioner to ensure that the trial is concluded. It was further submitted that the Court in its order dated 08.03.2019 has recorded the finding that in the injury report the doctor has found wound of entry and wound of exit over the chest of the injured. It was submitted that the same is attributed specifically to the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail, more so, in view of the fact that all the prosecution witnesses have been examined. Thus, now, it is for the petitioner to take steps to get the trial concluded.

9. This Court would only observe that on the willingness shown by the petitioner, the Court below may take up the matter on priority basis so that the trial can be concluded, at the earliest, in accordance with law, taking all relevant factors into consideration, including the current prevailing situation.



10. The application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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