

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12850 of 2021**

Arising Out of PS. Case No.-57 Year-2015 Thana- ROSHANGANJ District- Gaya

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Ramjatan Mishra, S/O Late Kamta Mishra, R/O Village-Brahman Bigha, P.O-
Tlaiyan, P.S-Raushanganj, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, A.P.P.

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

4 26-08-2021 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. Binod
Kumar No. 3, learned A.P.P. for the State.

This is the third attempt of the petitioner to obtain bail
in connection with S. Tr. No. 644 of 2019 (553/2016) arising out
of Roshanganj/Bankey Bazar P.S. Case No. 57 of 2015 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 307, 302 , 504 of the Indian Penal Code.

Earlier his prayer for bail was rejected when he moved
with co-accused Lakhan Mishra in Cr. Misc. No. 53317 of 2015.
The reasons indicated in the order passed by learned predecessor
Bench would show that it is the petitioner and the co-accused

Lakhan who had given tangi blows to the deceased and the post-mortem report suggested five injuries on the person of the deceased. In the second attempt also the petitioner with the co-accused Lakhan Mishra failed in Cr. Misc. no. 31505 of 2016 disposed of on 19.10.2016.

The co-accused Lakhan Mishra took his third attempt alone by filing Cr. Misc. No. 80727 of 2018 but this time also he failed and the learned predecessor Bench rejected his prayer for bail though noticed that the learned trial court had proceeded with the trial and three prosecution witnesses have been examined. The learned predecessor Bench noted the report of the learned trial court saying that the trial is likely to be concluded in seven months.

This petitioner has now filed the present application. This Court called for a report from the learned trial court and the report says that eight witnesses have been examined so far. Summon to official witnesses have been issued but because of the Covid-19 situation, the trial court assessed eight months further time in conclusion of trial.

Mr. Binod Kumar No. 3, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

In the nature of the allegations against the petitioner, it is being specific supported by the post-mortem report, this Court is

not inclined to release the petitioner on bail. The prayer for bail is, thus, refused.

Nonetheless, taking note of the fact that eight witnesses have been examined so far in the present case and summon has been issued to the official witnesses, this Court expects that the learned trial court shall proceed with the trial of this case on day to day basis without granting any unnecessary adjournment to the either side.

The Public Prosecutor and the Superintendent of Police, Gaya shall ensure that all official witnesses and non-official witnesses are produced on the date fixed in the matter. The trial court has now started functioning in hybrid mode, therefore, this case may be kept on the dates on which the witnesses may be examined but the trial should be concluded preferably within a period of six months from the date of communication of a copy of this order.

This application stands dismissed.

(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'.