

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13564 of 2021**

Arising Out of PS. Case No.-572 Year-2018 Thana- BIKRAMGANJ District- Rohtas

AKHILESH RAI Son of Late Shivji Ray Resident of Village- Baruna, P.S.-
Bikramganj, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Surendra Kumar Mishra, Advocate
For the Informant	:	Mr.Narendra Kumar, Advocate
For the State	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-09-2021 Heard learned counsel for the petitioner, Mr.
Sadanand Roy, learned counsel for the informant and Ms. Rina
Sinha, learned A.P.P. for the State.

This is second attempt of the petitioner to obtain bail
in connection with Bikramganj P.S. Case No. 572 of 2018, S. Tr.
No. 376/2019 registered for the offence under Sections
302/120(B)/34 of the Indian Penal Code and 27 of the Arms Act.
He is in custody since 01.04.2019.

Earlier the prayer for bail of the petitioner was
rejected by learned predecessor Bench of this Court in Cr. Misc.
No. 67937/2019. Perusal of the order passed in the said case
would show that there is specific allegation against the
petitioner who is said to have fired.

This Court called for a report from the learned trial

court as to the present stage of the trial. The report as contained in Letter No. 5/2021 received from the learned A.D.J.-VIII, Rohtas at Sasaram says that the charge has been framed in this case on 12.02.2020 and thereafter summons and bailable warrants have been issued for appearance of prosecution witnesses but because of surge of Corona Pandemic no prosecution witness has been produced by the prosecution. Learned trial court expects to conclude the trial within six months on the resumption of the physical mode of the Court.

Ms. Rina Sinha, learned A.P.P. appears for the State and Mr. Narendra Kumar, learned counsel represents the informant.

In the given facts and circumstances, since the Courts have now started functioning in hybrid mode and on certain dates courts are being held in physical mode also, this Court expects that now the learned trial court shall proceed with this case by keeping the matter on the dates fixed for holding the physical court and shorter date shall be fixed. It would be the duty of the prosecution to produce all the prosecution witnesses on the date fixed in the matter and in this connection the warrants issued against the witnesses shall be executed without delay.

Let a copy of this order be also sent to the

Superintendent of Police, Rohtas at Sasaram to ensure execution of the warrant.

If the trial remains unconcluded within the aforesaid period for no reason attributable to the petitioner, the petitioner may renew his prayer for bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.