

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26334 of 2020

Arising Out of PS. Case No.-292 Year-2018 Thana- BHARGAMA District- Araria

MD. MAZHAR ALAM Son of Abdul Rawoof Resident of Village- Bir Nagar,
Paschhim, Ward No. -2, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Amarendra Kumar Mr.Raj Kumar
For the State	:	APP
For the Informant	:	Mr. Thakur Brajesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-01-2021 Heard both sides.

The petitioner seeks bail in Bhargama P.S. Case No.292 of 2018, corresponding to Sessions Trial No.177 of 2019 registered under Sections 302 and 34 of the Indian Penal Code.

Dr. Amarendra Kumar, the learned counsel for the petitioner submits that prayer for bail of the petitioner was earlier rejected vide order dated 11.12.2019 passed in Cr. Misc. No.57542 of 2019 but trial has not yet been concluded and the petitioner is in jail since 10.11.2018. Petitioner is in jail for more than two years and the trial is still pending. A report was called for. Learned Additional Sessions Judge V, Araria reported that six witnesses have already been examined.

Learned counsel for the informant submits that due to



covid-19 pandemic and closure of the Courts, Civil Court was not functioning physically, therefore, prosecution witnesses could not be examined. Tomorrow is the next date fixed for examination of the witness. The informant undertakes to examine all his witnesses within four months.

Taking into consideration the facts that the petitioner and Reza Ali are alleged to have assaulted with garasa and iron rod on the head of the deceased, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within four months.

The S.P., Araria is directed to ensure the attendance of all the remaining witnesses in the trial court so that the trial must be concluded within four months from the date of receipt of this order.

Let a copy of this order be sent to the trial court as well as S.P., Araria for information and needful.

If the trial is not concluded within four months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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