

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37017 of 2021**

Arising Out of PS. Case No.-165 Year-2016 Thana- ALOULI District- Khagaria

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DHARMBIR YADAV @ DHARMVIR YADAV, Son of Rama Nand Yadav,
Resident of Village - Morkahi, P.S.- Alauli, Distt.- Khagaria at Present Village
- Belahi Tola, P.S.- Chiraiya (O.P.), Distt.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Ms. Sucheta Yadav, A.P.P.
For the Informant	:	Mr. Bhubneshwar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-09-2021 Heard Mr. P.K. Shahi, learned Senior Counsel for the

petitioner assisted by Mr. Mukesh Kumar, learned Advocate,

Mr. Bhubneshwar Prasad, learned counsel for the informant and

Ms. Sucheta Yadav, learned A.P.P. for the State.

This is the fourth attempt of the petitioner to obtain
bail in connection with Session Trial No. 122 of 2019 arising
out of Alauli P.S. Case No. 165 of 2016 registered for the
offence punishable under Sections 364, 302, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Earlier after noticing the materials pointed out to this
Court that the petitioner is the main assailant and the allegation
is that he had fired shot at the left temporal region on the

husband of the informant due to which he succumbed to his injury, this Court refused to exercise its discretion to grant bail to the petitioner.

On the last date, this Court called for a report from the learned trial court as to the present stage of trial and the time likely to be taken in conclusion thereof. A report has been received from the learned trial court as contained in letter no. 158 dated 11.08.2021 from the learned Additional Sessions Judge-VI, Khagaria. The reason for delay in conclusion of trial has been attributed to Covid-19 situation and in the opinion of this Court rightly so because for last one and half year approximately the courts are functioning with a lot of limitations.

As per report the case is fixed for prosecution evidence and summon has been issued to the chargesheet witnesses of the case.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as noticed above wherein on earlier three occasions the prayer for bail of the petitioner has been rejected, no doubt the petitioner is

in custody for more than three and half year but considering the gravity of the offences alleged against him and the reason for delay in conclusion of trial, this Court is not inclined to release the petitioner on bail at this stage.

Now the Court is functioning in hybride mode and the evidence of the prosecution witnesses may be taken, therefore, considering the period of custody, this Court expects that the learned trial court shall proceed with this case by keeping the matter on shorter date and all endeavours be made to conclude the trial as early as possible preferably within a period of nine months from the date of communication of this order.

The prosecution must cooperate by producing all the witnesses on the date fixed in the matter.

If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.