

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39410 of 2021

Arising Out of PS. Case No.-47 Year-2019 Thana- KHAGARIA District- Khagaria

RUBI DEVI @ RUBY DEVI Wife of Late Deepak Kumar Resident of
Village - Bhagat Tola, Mathurapur, P.S. and District - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Jha,Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-10-2021 Heard learned counsel for the petitioner and Mr. Kumar
Ranjit Ranjan, learned APP for the State.

This is the third attempt of the petitioner to obtain regular bail in connection with S.Tr. No. 162 of 2019 arising out of Khagaria P.S. Case No. 47 of 2019 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was twice rejected by this Court.

In the facts and circumstances of the case where this Court has earlier rejected the prayer for bail of the petitioner but in the order dated 22.03.2021, it is recorded that now only 5 official witnesses are required to be examined and on finding that information this Court had observed that the prosecution must co-operate in conclusion of trial by producing all the official and non-official witnesses on the dates fixed in the matter but this Court



finds from the report of the learned court below that the intervening Pandemic situation has interrupted the court's proceeding and the court was not functioning regularly due to Covid-19 Pandemic restrictions, this Court is not inclined to release the petitioner on bail at this stage on the solitary ground of delay in conclusion of trial.

The learned trial court has stated that the summons have been issued on 19.01.2021 and bailable warrant has been issued on 06.04.2021 for rest of the prosecution witnesses. If it is so, it is for the prosecution to co-operate towards conclusion of trial in terms of the observation of this Court recorded in the order dated 22.03.2021. The case be fixed on the shorter dates when the physical court is functioning and all endeavours be made to conclude the trial within three months as per the report at Flag 'R'.

If the trial remains unconcluded for the failure of the prosecution to bring the evidences and no reason attributable to the petitioner, the petitioner shall be released on bail on such terms and conditions which may be imposed by the learned trial court.

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'.

