

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54981 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- BARHIYA District- Lakhisarai

Rocky Singh @ Manish Singh Son Of Rakesh Kumar Singh @ Pappu Singh
Resident Of Village - Khutahadih, P.S.- Barahia, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma, Sr. Advocate
	Mr. Ravindra Kumar, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP
For the Informant :	Mr. Suneil Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-11-2021

Heard Mr. Ramakant Sharma, learned Senior Counsel assisted by Mr. Ravindra Kumar, learned counsel on behalf of the petitioner, Mr. Suneil Kumar Thakur, learned counsel for the informant and Mr. Md. Fahimuddin, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Sessions Trial No. 78 of 2020 arising out of Barhiya P.S. Case No. 79 of 2020 registered for the offences punishable under Sections 147, 148, 149, 307, 323, 341 of the Indian Penal Code.

Learned Senior Counsel for the petitioner has given much emphasis on his submission that earlier rejection of the prayer for bail of the petitioner is based on the supervision note alone and it is not known as to how the supervising authority recorded against the petitioner. It is his submission that in the



whole case diary not a single witness has stated that the petitioner had given the assault upon the deceased which proved fatal. In such circumstance, his prayer is that considering the present stage of the trial wherein still 6-7 witnesses are required to be examined, the petitioner may be granted privilege of bail on such terms and conditions which this Court may think just and proper.

On the other hand, learned counsel for the informant submits that presently 5 prosecution witnesses have already been examined and now the informant does not want to produce the remaining 6 private witnesses, therefore, there is every possibility that the trial would be concluded within a reasonable time. Learned counsel for the informant has repeatedly submitted that his statement to this effect may be recorded that no further private witness is to be examined.

Mr. Md. Fahimuddin, learned APP for the State submits that since the trial is at the fag end, this application may be disposed of with a direction to the learned trial court to conclude the trial as early as possible.

In the given facts and circumstances taking note of the fact that earlier prayer for bail of the petitioner has been rejected by this Court and now the prosecution evidence is likely to



come to an end very soon, this Court is not inclined to release the petitioner on bail at this stage. The prayer for regular bail of the petitioner is, thus, refused.

The learned trial court is expected to proceed with the trial keeping in view the statement made on behalf of the informant before this Court, keep the records on shorter dates in the physical court and make all endeavours to conclude the trial as early as possible preferably within a period of 6 months from the date of communication of this order.

The prosecution must cooperate by producing all the official witnesses, if any, on the dates fixed in the matter. If the trial still remains unconcluded within the aforesaid period 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'.

