

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69706 of 2019

Arising Out of PS. Case No.-73 Year-2017 Thana- GARKHA District- Saran

RAJNIKANT SINGH Son of Ram Sanehi Singh Resident of Village -
Mahammadpur, P.S.- Garkha, Dist.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh,Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 27-10-2021 Heard learned counsel for the petitioner and Mr. Nitya
Nand Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 456 of 2017 arising out of Garkha P.S. Case No. 73 of 2017 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 02.02.2018 passed in Cri. Misc. No. 4853 of 2018.

Learned counsel for the petitioner has brought on record the deposition of the wife of the deceased (PW-3). It is his submission that in her cross-examination this witness has stated that she had not seen who had been throwing the bricks and stones as also lathi-danda and which portion of the body were hit by that, after the occurrence she was not in conscious position.



Learned counsel further submits that in this case, out of 6 chargesheet witnesses PW-3 was examined as back as on 29.08.2018 but thereafter no progress has been made. The petitioner has remained in custody for more than four and half years and as such the petitioner deserves privilege of bail.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that only three witnesses remained to be examined in course of trial, therefore, this case may be disposed of giving some time to the learned trial court to conclude the trial.

This Court had 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. This Court has received letter no. 49 dated 16.06.2020 from the learned Additional District and Sessions Judge, VII, Saran at Chapra from which it appears that after examination of the third prosecution witness no further development has taken place. During this period due to restriction in running the courts smoothly during the Covid-19 Pandemic situation the case could not progress.

At this stage, this Court finds that now the trial court has reopened and the physical courts are also being held. This Court having noticed that now only three witnesses are required to be examined in course of trial, this Court is not inclined to release



the petitioner on bail at this stage but keeping in mind the fact that the petitioner has remained in custody for four and half years and if the prosecution is not vigilant even now in producing the witnesses and allow the trial to be concluded, the petitioner cannot be kept in confinement for an indefinite period, this Court is of the considered opinion that the trial court must conclude the trial within a period of six months from the date of communication of this order, the prosecution should take all steps to produce the remaining witnesses and for this the Superintendent of Police, Saran, Chapra would personally ensure the production of the witnesses on the date fixed in the matter.

The trial court is expected to keep the records on shorter dates in physical courts. Despite all this, if the prosecution fails to bring the witnesses on the date fixed in the matter and for that if the trial is not concluded within the given period of 6 months, this Court directs that the petitioner above named shall be released on bail on furnishing bail bond to the satisfaction of learned trial court and subject to such conditions which it deems fit and proper.

This 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'.

