

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28670 of 2021

Arising Out of PS. Case No.-62 Year-2019 Thana- BARHARA KOTHI District- Purnia

MAHARAJ SINGH SON OF LATE BABULAL SINGH Resident of Village
- Gunjadihari, P.S.- Nava Naagar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 09-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner seeks bail in Sessions Trial No. 92 of
2020 arising out of Barhara Kothi P.S. Case No. 62 of 2019
instituted for the offences under Sections 302, 120(B) of the
Indian Penal Code and 27 of the Arms Act.

The earlier bail application of the petitioner was



rejected vide Annexure-2 to the present application taking into account that the case related to triple murder and in course of investigation in paragraph 115 of the Case Diary, a chance witness has claimed himself to be eye witness to the occurrence and has named the petitioner and other accused persons who were making indiscriminate firing upon the victim and the deceased.

A report was called for from the Court below. It has been reported that one of the witnesses in the present case, namely, Arun Yadav, during the pendency of the case, has been shot dead on 06.01.2021. A letter has also been issued to the Superintendent of Police, Purnea to provide protection to the rest of the charge-sheet witnesses and to produce the witnesses on the date fixed. The case is already fixed for prosecution evidence and altogether 15 charge-sheet witnesses are to be examined in the present case.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to expedite the case and conclude the trial at the earliest preferably within a period of nine months from the date of receipt/production of a copy of this order.



The District Magistrate, Purnea and the Superintendent of Police, Purnea are also directed to take necessary steps to produce the witnesses on the date fixed by the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Purnea and the Superintendent of Police, Purnea. The authorities concern will further take necessary steps for providing the police protection to the charge-sheet witnesses especially in the light of the fact that one of the prosecution witnesses has already been shot dead during the pendency of the case.

(Sudhir Singh, J)

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