

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22001 of 2022

Arising Out of PS. Case No.-670 Year-2020 Thana- ARARIA District- Araria

Khurshid	Versus	 Petitioner
The State of Bihar		 Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 22179 of 2022

Arising Out of PS. Case No.-670 Year-2020 Thana- ARARIA District- Araria

Md. Haider Azad	Versus	 Petitioner
The State of Bihar		 Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22001 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 22179 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Opposite Party : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioners and Mr. B.N. Pandey, learned APP for the State.

This is the second attempt of the petitioners to obtain bail in connection with Baigachhi Araria P.S. Case No. 670 of 2020 dated 21.08.2020 under Sections 147, 148, 14, 341, 323, 325, 302, 504 of IPC.

Learned counsel for the petitioners submits that earlier this Court had rejected the prayer for bail of the petitioners considering that there was an allegation against them that they had assaulted by rod on the vital part of body of the deceased. It is submitted that this Court granted liberty to the petitioners to



renew their prayer for bail if the trial is not concluded within the given time as per observation of this Court in Cr. Misc. No. 12985 of 2021. It is stated that in the said case vide order dated 16.06.2021 this Court had granted liberty to the petitioner no. 1 to renew his prayer for bail if the trial is not concluded within nine months.

Learned counsel submits that the trial has yet not concluded and as on today, only half of the witnesses have been examined. Out of eleven witnesses, only five witnesses have been examined. It is, thus, submitted that considering the observation of this Court, the petitioner no. 1 in Cr. Misc. No. 12985 of 2021 and the petitioner in Cr. Misc. No. 14454 of 2021 have renewed their prayer for bail.

Mr. B.N. Pandey, learned APP for the State submits that against these two petitioners, having taken into consideration the seriousness of the allegations, this Court had refused to enlarge them on bail. It is, thus, submitted that at this stage when the trial is going on and hence half of the charge-sheeted witnesses have already been examined, the prayer for bail of the petitioners need not be granted.

This Court has considered the submissions advanced on behalf of the parties. It appears that this Court had rejected



the prayer for bail earlier considering the seriousness of the allegations, the trial has already begun and half of the charge-sheeted witnesses have been examined.

Learned counsel for the petitioners has placed on record the deposition of some of the witnesses in course of trial. However, at this stage, this Court need not discuss the same for the purpose of grant of bail.

This Court is of the considered opinion that at this stage, the prayer for bail of the petitioners cannot be allowed. Let the trial be completed. The trial court is directed to fix the records of this case on day-to-day basis and complete the trial within a period of six months from the date of communication of this order. It will be responsibility of the prosecution to produce all the witnesses on the date fixed in the matter. Despite this indulgence, if the prosecution fails to produce witnesses and the trial remains unconcluded for that reason, the petitioners may renew their prayer for bail.

Let a copy of this order be communicated to S.P, Araria.

(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'.

