

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44011 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- AAJAM NAGAR District- Katihar

Md. Samsul @ Md. Shamsul Haque @ Md. Shamshul Haque Son Of
Sarfuddin @ Bouka @ Sarful Haque R/O Village- Fudkipur, P.S.- Azamnagar,
District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rajiv Roy, Sr. Advocate Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard Mr. Rajiv Roy, learned Senior Counsel for the
petitioner and Mr. Akhileshwar Dayal, learned APP for the
State.

The petitioner in the present case is seeking regular
bail in connection with S.T. No. 06 of 2021 arising out of
Azamnagar P.S. Case No. 231 of 2020 registered for the
offences punishable under Section 302 of the Indian Penal
Code.

Learned Senior Counsel for the petitioner submits that
as per the allegations, this petitioner is said to have killed his
sister. The FIR has been lodged by his father.



Learned Senior Counsel, however, submits that in course of trial out of seven, four prosecution witnesses have been examined. All the four prosecution witnesses including the informant have been declared hostile. They have not supported the prosecution case. In this regard, the deposition of the prosecution witnesses have been placed before this Court.

It is further submitted that the petitioner has got no criminal antecedent and if released on bail he is ready to abide by the terms and conditions on which this Court may grant him bail.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner is the sole assailant and accused of this case. No doubt the four prosecution witnesses have turned hostile, however, the I.O. of the case and some more witnesses are still to be examined. It is submitted that in such circumstance, in the interest of justice, this Court may direct the learned trial court to conclude the trial itself within a reasonable period.

Having regard to the materials placed before this Court and upon finding that the four prosecution witnesses have turned hostile but the trial itself is likely to come to an end within a short period, balancing the interest of both the sides,



this Court is of the opinion that the learned trial court should conclude the trial by keeping the records on shorter dates and the prosecution should produce the official witnesses on the date fixed in the matter and all endeavours be made to conclude the trial within a period of 3 months from the date of receipt/communication of this order, if the prosecution fails to produce the witnesses for that reason the trial remains unconcluded, the petitioner shall be released on bail on furnishing bail bond to the satisfaction of the learned trial court.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

