

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59349 of 2021

Arising Out of PS. Case No.-414 Year-2019 Thana- SAUR BAZAR District- Saharsa

Roshan Yadav, son of Mahendra Yadav, Resident of Village - Patuaha, Ward No.09, P.s.- Saharsa, Distt.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shekhar Kumar Singh, Advocate
For the Opposite Party : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 02-03-2022 Pursuant to the order dated 23.02.2022, the Superintendent of Police, Saharsa and S.H.O. of the concerned Police Station are present in-person.

The Superintendent of Police, Saharsa informed this Court that in fact on 01.02.2022 five witnesses were taken to the court premises but for one reason or another their attendances could not be filed. She has further submitted that on 11.02.2022 three witnesses were produced out of whom one has been examined. There are altogether 15 witnesses in this case. It is further informed that on 28th February, 2022 attendance of 10 witnesses were filed, out of which one has been examined and his cross-examination is going on today.

This Court has been given to understand that the Superintendent of Police has understood the seriousness of the matter and she would personally monitor the attendance of the



witnesses in course of trial so that the trial may be concluded on an early date.

A submission has been made on behalf of the Superintendent of Police, Saharsa that the court below may fix shorter dates and give some more time to complete the examination of witnesses in this case because now the prosecution is able to present all the 15 witnesses.

Mr. Shekhar Kumar Singh, learned counsel for the petitioner has submitted that in this case though the trial has begun but the fact remains that some of the co-accused have been granted bail either by this Court or by the learned coordinate Benches of this Court. According to him, since the petitioner has remained in custody for about two years two months, he deserves privilege of bail.

Mr. Singh, has though attempted to argue the matter once again on merit but this Court has made it clear to him that the Court is not sitting in review and once his prayer for bail has been rejected on merit, unless there is a change of circumstance, the Court would not go into the merit of the case.

This Court having noticed that the allegations against the petitioner is serious in nature and he has got huge criminal antecedents of 14 cases (including the present one) on his head



and at this stage the trial is in progress, the Court would not be inclined to release the petitioner on bail.

The learned trial court is directed to keep the records of this case on shorter dates and all efforts be made to complete the examination of prosecution witnesses as early as possible preferably within a period of three months from today. This Court would expect that the trial is concluded within a period of four months from the date of communication of this order.

The interim order stopping the salary of the S.H.O. of the concerned Police Station stands vacated.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

