

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64298 of 2021

Arising Out of PS. Case No.-33 Year-2018 Thana- BHEJA District- Madhubani

Bhola Mukhiya S/O Late Kapleshwar Mukhiya R/O Village- Daldal, P.S.-
Bheja, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 66737 of 2021

Arising Out of PS. Case No.-33 Year-2018 Thana- BHEJA District- Madhubani

Amar Mukhiya @ Amarjit Mukhiya Son Of Bhola Mukhiya Resident Of Vil-
lage - Daldal , P.S.- Bheja, Distt.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64298 of 2021)

For the Petitioner/s : Ms. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Ashok Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 66737 of 2021)

For the Petitioner/s : Ms. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 Learned counsel for the petitioners undertakes to re-
move all the defects pointed out by the Stamp Reporter within
two weeks after start of normal functioning of the Court.

Heard Ms. Kumari Shubham, learned counsel for the
petitioners, Mr. Ashok Kumar, learned counsel for the informant
and Mr. Choubey Jawahar, learned APP for the State in both the
applications.



Petitioners in both the applications have renewed their prayer for regular bail in connection with Bheja P.S. Case No. 33 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 354, 448, 307, 302 and 504 of the Indian Penal Code.

Earlier their prayer for bail was rejected by a learned Predecessor Bench after noting that these petitioners have allegedly assaulted the deceased on his head and the *post-mortem* report was showing two stitch wounds which was in connection with more than two blows on the head of the deceased.

Ms. Kumari Shubham, learned Advocate started her argument mainly on the ground that the learned predecessor Bench had given an observation in the order dated 28.05.2020 that “ if the trial is not concluded within nine months without fault of the petitioners, the petitioners may renew their prayer for bail thereafter.”

Learned counsel submits that till date not a single witness has been examined. In fact in this connection, a specific statement has been made in paragraph ‘9’ of the present petition that till date no witness has been examined and there is no likelihood that the trial would be concluded within a reasonable time.

While the argument was still going on, Mr. Ashok Ku-



mar, learned counsel for the informant has made appearance. He has placed before this Court a copy of the depositions which have taken place in course of trial. It is submitted that as many as four prosecution witnesses have already been examined and it is not correct to say that there is no progress in course of trial.

Learned counsel submits that since the trial is in progress and it is likely to be concluded soon and the materials which have come in course of trial are not before this Court, the petitioners do not deserve privilege of bail.

Learned APP for the State has also opposed the prayer for regular bail of the petitioners.

Having regard to the materials available on the record particularly that the trial has already progressed and the depositions of four prosecution witnesses have taken place prior to the pandemic period and the depositions of those prosecution witnesses were not brought to the notice of this Court on behalf of the petitioners, the trial is likely to be concluded soon, therefore, this Court is not inclined to release the petitioners on bail at this stage.

Let the trial court expedite the trial and complete the trial preferably within a period of six months from the date of receipt/production of a copy of this order. For this purpose, the



records will be kept on shorter dates and no unnecessary adjournments shall be granted to either side.

The Public Prosecutor as well as the Superintendent of Police, Madhubani are directed to ensure that the prosecution witnesses turn up on the date fixed in the matter and if any process is issued against them, the same be executed immediately.

Let a copy of this order be sent to the Superintendent of Police, Madhubani for needful.

Both the applications stand 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'.

