

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48201 of 2022

Arising Out of PS. Case No.-217 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Pawan Shukla S/O Sanjeev Shukla @ Sanjit Kumar Shukla, Resident of
village- Pakari, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Madhusudan Kumar, Advocate
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, APP
For the Informant :	Mr. Nachiketa Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

By filing the present application, the petitioner has renewed his prayer for regular bail in connection with Session Trial No. 325 of 2021 arising out of Gaighat P.S. Case No. 217 of 2019 registered for the offences punishable under Sections 323, 324, 341, 342, 307 and 302/34 of the Indian Penal Code. He has got three criminal antecedents. He is in custody since 19.06.2020.

Earlier the prayer for bail was rejected by this Court vide order dated 21.10.2021 passed in Cr. Misc. No. 27657 of 2021 with an observation that the trial be expedited.

Learned counsel for the petitioner submits that till date, the trial of the case is pending and presently the court is



vacant.

Learned counsel for the informant submits that this Court had called for a report from the learned court below and it has been received from the In-charge, 20th Addl. District & Sessions Judge, Muzaffarpur.

This Court has perused the report. It is stated that out of ten charge-sheeted witnesses, nine prosecution witnesses have been examined till now. The case is fixed for evidence of the Investigating Officer and for hearing on the petition of prosecution for examination of some other medical witnesses.

The learned In-charge court has stated that the court is vacant now, therefore, on joining of the P.O., the case may be disposed within next three months if the witnesses proposed to be examined are produced by the prosecution within time.

To this Court, it appears that because out of ten witnesses, nine witnesses have already been examined, the petitioner, if so advised, may file an application for bail in the learned trial court itself where the evidences are on record. If such an application is filed, the In-charge court shall consider the same and take an appropriate view on the matter.

At the same time, this Court would direct that a copy of the order be sent to the learned District and Sessions Judge,



Muzaffarpur who will ensure that the trial of the case be either transferred to another court or the In-charge court take up the records for conclusion of the trial.

The Senior Superintendent of Police, Muzaffarpur and the Prosecution Officer shall take appropriate steps to produce the Investigating Officer for examination on the date fixed in the matter.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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