

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10879 of 2024

Arising Out of PS. Case No.-313 Year-2021 Thana- GARKHA District- Saran

Vishwakarma Rawat Son of Ranu Rawat Resident of vill-Sargati, P.S.-
Garkha, Distt.-Saran At Chapra(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-04-2024 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing for the State.

02. In the present case, the petitioner seeks bail in connection with Garkha P.S. Case No. 313 of 2021 (Sessions Trial No. 484 of 2021), registered on 09.05.2021 for the alleged offence under Sections 302 & 34 of the Indian Penal Code.

03. Allegation against the petitioner is that the petitioner demanded some outstanding dues from the husband of the informant and on his refusal the petitioner struck him on his head with a heavy *danda* causing fracture of the head. The co-accused Ranu Raut also joined him and assaulted the husband of the informant. The husband of the informant was treated in the hospital and was brought back to his house where he died subsequently.

04. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this court as his prayer for bail was rejected earlier *vide* order dated 21.09.2022 passed in Cr. Misc. No. 68437 of 2021. Learned counsel further submits that the petitioner is in custody since 31st of May 2021 and despite specific directions to the learned trial court to conclude the trial within a period of one year, the trial has not been concluded. Out of eight charge-witnesses only four witnesses have been examined and there is no likelihood of early conclusion of trial. Learned counsel further submits that the injury was simple and for this reason the doctor discharged the husband of the informant. It is another matter that he died after coming back to his home.

05. Learned A.P.P. appearing for the State vehemently opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that there is specific allegation against petitioner that he hit the husband of the informant on his head and the said injury was found to be the cause of death in the post mortem report. There is no change in circumstance to consider the prayer for bail of the petitioner as delay in conclusion of trial cannot be a ground for the consideration of the prayer for bail.

06. Report dated 05.04.2024 has been received from

the learned trial court, wherein it has been submitted that four witnesses remain to be examined on behalf of prosecution and the learned trial court has further submitted that every effort would be made to conclude the trial within next six months.

07. Having regard to the rival submission, I do not find any new material to consider the prayer for bail of the petitioner and hence his prayer for bail is rejected.

08. However, learned trial court is directed to abide by the undertaking and further directed to conclude the trial within a period of six months as sought by it. At the same time, Superintendent of Police, Saran at Chapra is directed to ensure the presence of witnesses without fail on each and every date fixed by the learned trial court, failing which the Superintendent of Police, Saran at Chapra shall appear before this Court to explain the circumstances.

(Arun Kumar Jha, J)

anuradha/-

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