

J.H.C. Sch. (1-7)

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Manoj Prasad
Registrar General
High Court of Jharkhand
Dhurwa, Ranchi-834004

Letter No. : 49 /R&S

Dated : 07/03/2025

To,

All the Principal District and Sessions Judges of the State of Jharkhand
including Judicial Commissioner, Ranchi


Sir,

I am directed to forward the copy of order dated 19.02.2025 passed in B.A. No.540 of 2025 wherein Hon'ble High Court has been pleased to direct to circulate the aforesaid order among all Judicial officers in the State.

Therefore, you are directed to circulate the aforesaid order to all the Judicial officers concerned in your Judgeship and to ensure its strict compliance.

Enclosure: - As Above

Yours Sincerely,


(Manoj Prasad)

Registrar General

(26)

S.O. (RIS)

5/03/25
R.G.

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.540 of 2025

Dharmendra Kumar Saw, son of Late Shivji Saw, R/o Village
Bhadesh Anchal, P.O. + P.S. Bhojpur, District Bhojpur, Bihar-
802206. **Petitioner**

Versus

Union of India, through NCB. **Opposite Party.**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Shubhashis Rasik Soren, Advocate
Ms. Shobha Gloria, Lakra, Advocate
Ms. Mrinalini Adela Tete, Advocate
Ms. Preeti Hembrom, Advocate
For the NCB : Mr. Anil Kumar, ASGI
Ms. Nehala Sharmin, Spl. P.P.
Ms. Chandana Kumari, AC to ASGI
Ms. Sharda Kumari, AC to P.P.
Mr. Rajendra Krishna, Advocate

08/ 19.02.2025

The petitioner renews his prayer for grant of bail.

2. Be it noted that prayer for bail of the petitioner was earlier rejected twice on merits by this Court vide orders dated 25.02.2022 and 15.12.2023 passed in B.A. Nos.1311 of 2022 and 7720 of 2023, respectively.

3. The order sheets of the Trial Court has been placed before me.

4. The last date fixed in this case by the Trial Court was 24.01.2025, when one Amit Kumar Bhagat, was examined in part and the case was adjourned. The next date fixed for further evidence of Amit Kumar Bhagat, is 18.03.2025 and 19.03.2025. The Trial Court merely noted that due to paucity of time, the examination is deferred.

5. This Court fails to understand that in spite of the order passed by this Court to conclude the examination and evidence of

the witness on the same date when the witness is produced before the Court and his examination in chief has already been done, why the Trial Court has adjourned this case.

6. This Court vide order dated 13.01.2023 in B.A. No.12960 of 2022 (Jishu Tudu Vs. the State of Jharkhand), had held that when the examination in chief of the witness is already concluded, effort should be made to conclude the cross-examination on the very same day and for doing so, if the Court has to sit beyond the Court hours to conclude the trial, the Court shall do so.

7. In this case also, this Court reiterates the aforesaid observation made in the case of Jishu Tudu (*supra*).

8. Further, it is also surprising that when the examination was going on, why the case was adjourned for one and half months which is a long period. This gives an impression that merely on the asking of the parties, the Court has adjourned the case and had granted such a long date.

9. The Trial Court should be cautious in future.

10. Considering the aforesaid aspect of the matter, I am of the opinion that the direction given by the Hon'ble Supreme Court in the case of ***Vinod Kumar Vs. State of Punjab*** reported in ***(2015) 3 SCC 220***, para-57.4, which has been relied upon by this Court in B.A. No.12960 of 2022, has not been followed.

11. It has been submitted at bar that only one witness remains to be examined and all the other witnesses have been examined in this case.

12. Learned counsel representing the petitioner places reliance upon the judgment of the Hon'ble Supreme Court in the

case of *Noor Aga Vs. State of Punjab & Anr.* reported in (2008) **16 SCC 417**, para-60 and 71. These two paragraphs relates to fair trial and giving liberty to the accused to examine his witnesses. In this case, it is not a case where by virtue of this order, right to fair trial is being infringed.

13. The fact is that the last prosecution witness is being examined and his examination will conclude on 18th or 19th March, 2025, itself. That being so, I am not inclined to release the petitioner on bail, considering the stage of the trial.

14. Accordingly, this Bail Application is **dismissed**.

15. If the petitioner prays to examine his defence witness, the same should be allowed and sufficient time should be granted to him for the same.

16. Let a copy of this order be communicated to all the Judicial Officers within the State of Jharkhand, including the Judicial Commissioner, Ranchi, for strict compliance, through the Registrar General of this Court.

Sd/-

(Ananda Sen, J.)

True Copy

Prashant

~~Sr. Secretary/Secretary/P.A./Sr. P.A.~~

24/2 / 2025