

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26297 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- UCHKAGAON District- Gopalganj

MD. JABIBULLAH ALAM @ JABIBULLAH SHEIKH @ JABIBUL
SHEIKH Son of Jalaluddin Sheikh @ Jamaluddin Resident of Village -
Dharamchak, P.S.- Uchakagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunal Tiwary

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 19-06-2019

The prayer for bail of the petitioner was earlier rejected by this Hon'ble Court vide order dated 25.09.2018 passed in Cr. Misc. no. 42231 of 2018 with direction to renew the prayer for bail after six months in the event no substantial progress is made in trial.

A report was called for from the Court below which has been received, wherein, it has been mentioned that after framing of charge on 6.10.2018 two witnesses have been examined. As such, from the report of the Trial Court it appears that no substantial progress is made in the trial by the Trial Court and the Court below did not make any serious effort for earlier conclusion of the trial.

Learned counsel for petitioner submits that petitioner is in



custody since 23.5.2018.

In the written report it is alleged that the informant was cleaning utensils in the Court yard. In the meantime, this petitioner with Jalaluddin Sheikh came at her door and started abusing and gave threat to the informant. The mother-in-law of the informant came and made protest then the accused persons became furious and assaulted the mother-in-law with *lathi* and *danda* after encircling her and with a view to kill pressed her against wall. The petitioner pushed the wall and door on account of which the mother-in-law came under the wall and died.

Learned counsel for petitioner submits that one of the co-accused, namely, Jalaluddin Sheikh @ Jamaluddin has already been granted anticipatory bail by co-ordinate bench of this Court by order dated 24.7.2018 passed in Cr. Misc. no. 42784 of 2018.

From report of trial Court it appears that no serious effort has been made by court below to conclude the trial expeditiously. The petitioner is in custody since 23.5.2018,

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount



each to the satisfaction of the Additional District Judge-VIII,
Gopalganj in connection with Uchakagaon P. S. Case No. 139 of
2018, subject to the following conditions:-

- (i) Both the bailors shall be the close relative of the petitioner.
- (ii) The petitioner will remain present on every date of trial and
absence of petitioner on two consecutive dates without valid
reason will amount to cancellation of his bail bond.
- (iii) The petitioner will not try to tamper or intimidate the
witnesses during trial.

(Sanjay Priya, J)

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