

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21138 of 2021

Arising Out of PS. Case No.-161 Year-2019 Thana- SALAKHUA District- Saharsa

Md. Abbas, Male, aged about 68 years, Son of Md. Najif, Resident of Village-
Gorgama, PS- Salkhua, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Sheo Kumar Prasad, learned counsel for the informant.

3. The petitioner is in custody in connection with Salkhua PS Case No. 161 of 2019 dated 04.07.2019, instituted under Sections 341, 447, 448, 323, 324, 307, 354B and 504/34 of the Indian Penal Code.



4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 17.03.2020 passed in Cr. Misc. No. 84776 of 2019.

5. Learned counsel for the petitioner submitted that the petitioner is in custody since 18.10.2019 and the Court may consider the prayer.

6. Earlier by order dated 04.08.2021, a report was called from the trial Court with regard to the status and position of the case and likely time by which the same can be concluded.

7. In terms thereof, a report has been submitted by the Additional Sessions Judge, V, Saharsa dated 10th August, 2021, in which it has been stated that out of seven prosecution witnesses, three have been examined and the informant and the injured victim as also the Doctor and the Investigating Officer have not been examined and bailable warrant has been issued for their appearance. It has further been stated that altogether 11 persons are facing trial and it would likely to take at least six months.

8. Learned APP submitted that the Court had considered the merits while rejecting the prayer earlier by judgment and order dated 17.03.2020 passed in Cr. Misc. No. 84776 of 2019, in which it has been noted that the witnesses had consistently stated that it



was the petitioner who had inflicted knife blow on the abdomen causing grievous injury.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any mitigating circumstances to consider the prayer for grant of bail, more so, in view of what has been recorded in the earlier order of rejection dated 17.03.2020.

10. Accordingly, the petition stands dismissed.

11. However, taking note of the report of the Court below, it is directed that the trial be expedited and concluded at the earliest and latest within nine months from today.

12. Registry shall communicate the order to the Court below latest by tomorrow.

(Ahsanuddin Amanullah, J.)

P. Kumar

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