

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37906 of 2021

Arising Out of PS. Case No.-32 Year-2019 Thana- GHOSWARI District- Patna

MD SHAMSHAD S/o Md. Israfil R/o village- Shamiagarh, P.S.- Ghoswari,
District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Shraddhanand Paswan, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-08-2021 Heard Dr. Shraddhanand Paswan, learned counsel
for the petitioner and Md. Shakir Ahmad, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Sessions Trial No. 1126 of 2019 arising out of Ghoswari P.S.
Case No. 32 of 2019 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code, 1860.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
20.3.2020 passed in Cr. Misc. 3036 of 2020 with liberty to
renew his prayer for grant of regular bail after one year.

The prosecution case, in brief, is that the village



chowkidar detected a gunny bag and when the gunny bag was opened, a dead body of a young person, aged about 20-25 years, was found inside it, who was wearing a t-shirt and a black coloured trouser and one mufflar was stuck in his neck. The name of the deceased was Mumtaz Ahmad.

Learned counsel for the petitioner submits that the First Information Report was lodged against unknown and the name of petitioner has transpired on the basis of confessional statement of co-accused Jamshed @ Shamshed. Learned counsel further submits that the petitioner is in custody since 16.4.2019 and referring to Annexure-4 to the bail application learned counsel submits that only charges against the petitioner have been framed and summons to the witnesses have been issued on 3.4.2021 but the trial has not progressed further. Learned counsel also submits that trial is not likely to be concluded in near future due to Covid-19 pandemic.

Regard being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 16.4.2019, the trial is not likely to be concluded in near future due to Covid-19 pandemic as well as this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular



bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Barh, in connection with Sessions Trial No. 1126 of 2019 arising out of Ghoswari P.S. Case No. 32 of 2019 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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