

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38958 of 2021

Arising Out of PS. Case No.-211 Year-2019 Thana- MUFFASIL District- Aurangabad

MD. BABLI @ MD. AZAHARUDDIN ALAM S/o- Md. Azu Miyan @ Md. Azamuddin Alam R/o Village- Bahuara, P.S.- Aurangabad Muffasil, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-10-2021 Heard learned counsel for the petitioner and Mr. Sunil Kumar Pandey, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Aurangabad (M) P.S. Case No. 211 of 2019 registered for the offence under Section 147, 148, 149, 323, 302, 506, 307 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 04.11.2020 passed in Cr. Misc. No. 27993 of 2020. This Court has noticed in the said order that petitioner is the assailant of the deceased who had repeatedly caused assault by iron rod.

Learned counsel for the petitioner submits that though in the F.I.R. the allegation is against this petitioner, but, in course of investigation, several witnesses have stated that it was



co-accused Md. Haidar Ali who had repeatedly assaulted the deceased. It is, however, not disputed that in the F.I.R. the informant has made specific allegation against this petitioner of causing the injuries which proved fatal to the deceased.

In this case the Court had called for a report from the learned trial court as to the present stage of the trial, the report received from learned Additional Sessions Judge – XI, Aurangabad shows that out of nine accused persons, one accused (this petitioner) is in custody and the rest accused persons have not appeared in court after commitment. Further due to pandemic Covid-19 situation the normal functioning of the court has yet not started.

Learned counsel for the petitioner has pointed out that the petitioner has remained in jail in connection with this case since 07.01.2020, therefore, considering the period of custody the trial is not progressing satisfactorily.

Considering the specific allegation against the petitioner and there being no change of circumstance, this Court is not inclined to release the petitioner on bail. But keeping in mind the fact that the petitioner is in custody for substantial period of about one year nine months approximately, this Court expects that the learned trial court shall proceed with the trial as



early as possible, all steps including coercive steps, if required, must be taken against the non-appearing accused and all endeavours be made to conclude the trial as early as possible preferably within a period of one year from the date of communication of this order.

The prosecution must cooperate by producing all the witnesses on the date fixed in the matter. If the trial still remains unconcluded within a period of one year for no reason attributable to the petitioner, he may renew his prayer for bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

