

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38247 of 2020

Arising Out of PS. Case No.-67 Year-2018 Thana- BHAPTIAHI District- Supaul

MD MUSLIM son of late Usman Resident of Village- Jhilladumri, P.S.-
Bhaptiyahi and District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vishwanath Pd. Singh, Sr.Advocate
		Mr.Md.Nazmul Hodda,Advocate
For the State	:	Mr.Ram Sevak Choudhary,APP
For the Informant	:	Mr.Nafisuzzoha,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-03-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

This is the second attempt of the petitioner seeking regular bail in connection with Bhaptiyahi P.S. Case No. 67 of 2018 registered for the offences punishable under Sections 302, 34, 120(B) of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected vide order dated 03.06.2020 passed in Cr. Misc. No. 17814 of 2020.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.01.2020 and the trial is not progressing well.

Perused the report contained in letter no. 16 dated 09.02.2021 of learned Chief Judicial Magistrate, Supaul. It is



reported that the case of absconding accused was separated and the case of rest accused persons have been committed to the court of session which is pending before the learned Sessions Court for appearance of the accused persons.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the prayer for bail of the petitioner has been earlier rejected by this Court vide order dated 03.06.2020 passed in Cri. Misc. No. 17814 of 2020 after noticing that there is a specific allegation of giving farsa blow against this petitioner and the post mortem report is supporting the same, the further material in the form of report of the learned court below showing that the records of this petitioner has been separated and has been sent to learned trial court after commitment of the records and it is pending for appearance of the accused and at this stage the submission of the informant that the petitioner has surrendered only on 21.01.2020 in connection with the present case of the year 2018 as a result whereof the trial could not be concluded earlier, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial court proceed with the matter, frame the



charges on the next date and conduct the trial on day-to-day basis without granting any unnecessary adjournment.

The prosecution as well as the defence shall cooperate in course of trial and if the trial remains unconcluded for a period of six months for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

