

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5195 of 2022

Arising Out of PS. Case No.-116 Year-2019 Thana- KHAIRA District- Jamui

MD. ABRAR ALAM @ MD. IBRAR @ IBRAR MIAN @ IBRAR Son of
Md. Aziz Mian R/o Village- Chauki Tnand, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Singh, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Kartik Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 23-03-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 301/2019 arising out of Khaira P.S. Case

No. 116/2019 instituted for the offences under Sections

147, 148, 149 and 302 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier

rejected vide order dated 29.01.2019 passed in Cr. Misc.

No. 85349 of 2019.

The petitioner along with three others is said

to have fired at the son of the informant, who died.

The learned counsel for the petitioner has



submitted that there is no specific accusation against anyone of the accused persons much less the petitioner and according to the prosecution version, the deceased was shot at when he was coming back from a feast but the postmortem report reveals that the deceased had empty stomach at the time of his murder.

Be that as it may, the prayer for bail of the petitioner was rejected with an observation that the trial be concluded within a period of one year from the date of receipt / production of a copy of the order referred to above.

The trial could not be concluded within the aforesaid period. Hence, the present petition for grant of bail during the pendency of the trial.

This Court had called for a report about the stage of the case from the court below which has since been received. The report discloses that three witnesses on behalf of the prosecution have been examined out of nine cited in the chargesheet.

It appears that the case is being tried at correct pace.



Though the petitioner has remained in custody since 26.04.2019 but considering the nature of accusation and the stage of the case at present, I am not inclined to grant bail to him during the pendency of the trial.

However, the Trial Court is directed to conclude the trial positively within a period of six months from the date of receipt / production of a copy of this order, failing which the petitioner shall have the liberty to approach the Trial Court for grant of bail and in that event the Trial Court would be under an obligation to state in detail the reasons for the tardy progress of trial.

The petition stands disposed of accordingly

(Ashutosh Kumar, J)

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