

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23063 of 2022

Arising Out of PS. Case No.-700 Year-2019 Thana- ARARIA District- Araria

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MOULVI MOJAHID @ MOJAHID SON OF BADLUM RESIDENT OF
VILLAGE- AMIR TOLA, PREM NAGAR, WARD NO 16, P.S- ARARIA,
DIST- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish

For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-11-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 69 of 2020, arising out of Araria (R.S.) Police
Station Case No. 700 of 2019, registered for the offences
punishable under Section 304-B of the Indian Penal Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
05.04.2021, passed in Criminal Misc. No. 40073 of 2020, giving
liberty to the petitioner to renew his prayer for bail after one
year from the date of the order, if the trial does not record any
progress.



The petitioner was married to the daughter of the informant and it has been alleged that she has been killed by the petitioner by pressing her neck with the help of rope.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 05.04.2021. He further submits that the petitioner is in custody since 23.08.2019, i.e. for more than three years and the trial has not progressed substantially.

This Court, vide order, dated 28.09.2022, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Sessions Judge, Araria, and from perusal of the same, it appears that out of 08 chargesheeted witnesses, only one prosecution witness has been examined during the trial.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 23.08.2019, Only one prosecution witness has been examined during the trial and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria, in connection with Sessions Trial No. 69 of 2020, arising out of Araria (R.S.) Police Station Case No. 700 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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