

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44172 of 2021

Arising Out of PS. Case No.-17 Year-2017 Thana- INDUSTRIAL District- Bhagalpur

MD AFROJ @ MD AFROZ, Son of Md. Dowan @ Md. Devan, Resident of
Fatehpur, P.S.- Industrial Area (Zero Mile), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-04-2022 Heard the parties.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sessions Trial No. 931 of 2018 arising out of Industrial Area
P.S. Case No. 17 of 2017 for the offence punishable under
Sections 498A, 307 and 120B/34 of the Indian Penal Code.
Later on Section 304B IPC was added.

Petitioner has made third attempt to renew his prayer
for grant of bail. He has drawn attention of this Court to the
observation made in the order dated 24.03.2021 passed in Cr.



Misc. No. 3207 of 2021 wherein it was reported by the trial court that the trial is likely to be concluded within a period of six months.

Petitioner has been forced to renew the prayer for bail by filing the present bail application after completion of the said period finding that no substantial progress has taken place in conduct of the trial.

This Court vide order dated 04.02.2022 has again called for the stage of the trial in connection with Sessions Trial No. 931 of 2018, arising out of Industrial Area P.S. Case No. 17 of 2017.

In compliance of the said order, the Additional District and Sessions Judge-II cum Special Judge, Vigilance (Trap), Bhagalpur has informed that till the date of the report only one witness remains to be examined whose name is not mentioned in the list of the witnesses.

Taking into consideration the aforesaid fact, I am not inclined to enlarge the petitioner on bail.

The case of the petitioner is that he is the brother-in-law of the deceased and he is in custody since 28.04.2018 as under trial and the trial is not likely to be concluded very soon. The very fundamental right under Article 21 of the Constitution



of India is violated in the present case.

Considering the aforesaid submission of the petitioner, the trial court is directed to conclude the trial expeditiously well within a period of four months.

With the above observation, this application stands disposed of.

(Purnendu Singh, J)

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