

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57031 of 2021

Arising Out of PS. Case No.-783 Year-2018 Thana- BARACHATTI District- Gaya

MD WAKIL @ WAKIL KURAISHI Son of Gaffar Kuraishi @ Abdul Gaffar
mian Resident of Village - Hemjapur, P.s.- Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Rina Sinha, Adv.
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP
For the informant	:	Mr. Murad Ashraf, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-02-2022 Heard the learned counsel for the parties.

The petitioner seeks bail in connection with Barachatti (Mohanpur) P.S. Case No. 783 of 2018, which has been instituted for the offences under Sections 304(B)/34 of the Indian Penal Code and which has now gone on trial vide Sessions Trial No. 151/2021 and is pending before the learned Additional District & Sessions Judge -X, Gaya.

The prayer for bail of the petitioner was earlier rejected vide order dated 31.08.2020 passed in Cr. Misc. No. 81292 of 2019. While rejecting the prayer for bail of the petitioner, this Court had directed that if there is no



substantial progress in the case in the next nine months, the petitioner would have the liberty to approach this Court again for grant for bail.

Pursuant to the aforesaid direction, the petitioner has approached this Court but after this petition was filed, the case was transferred to the court of learned Additional District & Sessions Judge -X, Gaya and charges were framed on 13th of January 2022.

These facts are revealed in the report of the learned Trial Court dated 21.01.2022.

The case is pending for evidence.

Considering the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present notwithstanding the fact that he is in custody since 03.10.2019 but intend to direct that the trial be expedited as early as possible.

The prayer for bail is rejected.

The Trial Court is directed to conclude the trial without any delay.

Should there be no substantial progress in the



trial within next six months and such delay is not attributable to the petitioner or to the defence side, it would be open for the petitioner to move the Trial Court for grant of bail. In that event, the Trial Court shall be under an obligation to record the reasons for tardy progress of trial.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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