

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4248 of 2023

Arising Out of PS. Case No.-280 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

MD. FARYAD Son of Md. Abbas R/v- Khorba, P.S.- Mufassil, District-
Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for grant of
bail in a case registered under sections 307 and other sections of
the Indian Penal Code.

The earlier prayer for bail of the petitioner was
rejected vide order dated 10.12.2021 passed in Cr. Misc.
no.29364 of 2021.

As per the prosecution case, the petitioner is said to
have given a dagger blow on Md. Ibrar causing serious injuries.

Learned counsel for the petitioner submits that inspite
of the petitioner having remained in custody for more than 2
years 10 months since 11.6.2020 in a case mainly under section
307 of the Indian Penal Code and inspite of his cooperating in



the trial, the trial has still not concluded. The petitioner undertakes to cooperate in the trial.

A report was called for from the learned trial Court. As per the report received contained in letter dated 25.3.2023, eight chargesheet witnesses have been examined.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner together with the petitioner having remained in custody for 2 years 10 months since 11.6.2020 and the trial still not having concluded, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.225 of 2020 (arising out of Mufassil P.S. Case no.280 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Katihar, District Katihar on the following conditions:

(I) one of the bailors of the petitioner shall be the close relative of the petitioner.

(II) the petitioner shall remain physically present in Court in each date of the trial and shall cooperate in the trial.



In case of violation of any other conditions or in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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