

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7189 of 2023**

Arising Out of PS. Case No.-33 Year-2021 Thana- HABIBPUR District- Bhagalpur

MD. AFSER @ MD. AFSAR SON OF LATE MD. ABBAS @ LATE ABBAS  
R/O VILLAGE- KHILAFATNAGAR, P.S.- HABIBPUR, DISTRICT-  
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rabindra Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      01-02-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offence under Sections 324, 302/34 of the Indian Penal Code.

The husband of the informant is said to have been  
murdered by petitioner by stabbing knife in his abdomen.

Earlier the prayer for the bail of this petitioner had  
been refused by this Court after considering the case on merit  
vide order dated 17.05.2022 passed in Cr. Misc. No. 54027 of  
2021 with a direction to learned trial court to expedite the trial.

However, the petitioner has again approached this  
Court renewing his prayer for bail on the ground that no  
substantial progress has been carried out by the trial court for  
conclusion of the trial although there had been a direction of this



Court to expedite the trial.

Taking note of the submission of learned counsel for the petitioner, I have gone through the impugned order which reflects that out of eight charge sheet witnesses, seven witnesses have already been examined and only the doctor is still to be examined.

Learned counsel for the petitioner has also brought to the notice of this Court that the last witness was examined on 22.08.2022 but yet trial has not been concluded. He further submits that the petitioner is rotting in custody since 27.02.2021 i.e. almost two years.

Considering the facts and circumstances of the case and the stage of the trial which appears to be at fag end as only one witness is required to be examined, this Court does not feel incline to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the examination of rest witness and conclude the trial as early as possible.

**(Rajesh Kumar Verma, J)**

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