

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65906 of 2022

Arising Out of PS. Case No.-455 Year-2021 Thana- BANKA District- Banka

MD. FARUK ANSARI @ MD. FAROQUE ANSARI S/O LATE RAMZANI
ANSARI Resident of village- Navtoliya/Navtgoliya, Chamreli, P.S.- and
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5733 of 2023

Arising Out of PS. Case No.-455 Year-2021 Thana- BANKA District- Banka

MD. IDRISH ANSARI Son of Late Abdul Gafur Ansari R/v- Navtoliya,
Chamreli, P.S. and District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13929 of 2023

Arising Out of PS. Case No.-455 Year-2021 Thana- BANKA District- Banka

MD. AHMAD ANSARI @ MD. AHMAD ANSAR Son of Late Habib Ansari
@ late Md. Habib Ansari R/v- Navtoliya, Chamreli, P.S. and District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65906 of 2022)

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

(In CRIMINAL MISCELLANEOUS No. 5733 of 2023)

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Shaheen Begum, APP

(In CRIMINAL MISCELLANEOUS No. 13929 of 2023)

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 307, 120B and 302 (subsequently added) of the Indian Penal Code and Sections 3, 4 and 5 of the Explosive Substances Act.

According to the prosecution, due to explosion took place in the Madarsa situated in Chamraili Navtolia, Imam of Madarsa Abdl Mobin sustained injuries and he is died during course of treatment.

It appears from the record that earlier the prayer for bail of the petitioner, Md. Faruk Ansari, Md. Idrish Ansari and Md. Ahmad Ansari @ Md. Ahmad Ansar had been rejected vide order dated 29.03.2022, 16.05.2022 and 16.05.2022 passed in Cr. Misc. No. 49079 of 2021, Cr. Misc. No. 64598 of 2021 and Cr. Misc. No. 64598 of 2021, respectively, considering the case of the petitioner on merit.

The petitioners, as aforesaid, have renewed their prayer for bail by way of the present criminal miscellaneous applications.

While considering the subsequent prayer for bail



of this petitioner, a report with regard to present stage of the trial has been called for by this Court vide order dated 08.02.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that out of eighteen prosecution witnesses cited in the charge-sheet, nine witnesses have been examined and the case is pending for examination of rest official and non official witnesses.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future as there appears to be no substantial progress in terms of conclusion of the trial and the petitioners are languishing in judicial custody since 18.06.2021 i.e. more than one and half years.

Considering the nature of allegation against the petitioners and their involvement in the alleged occurrence as surfaced during the investigation as well as the present stage of the trial and also the fact that the case of the petitioners had already been adjudicated earlier on the point of bail and no fresh ground for consideration of bail of the petitioners is shown in the present applications, this Court is not inclined to take a different view with earlier view taken



in Cr. Misc. No. 49079 of 2021, Cr. Misc. No. 64598 of 2021 and Cr. Misc. No. 64598 of 2021 rejecting the prayer for grant of bail to the petitioners. Accordingly, the prayer for bail of these petitioners is rejected.

However, this Court taking note of the substantial progress in the trial as it emerges from the report received from court below would consider it to direct the learned trial court to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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