

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30636 of 2023

Arising Out of PS. Case No.-510 Year-2021 Thana- SUPAUL District- Supaul

MD FAIYAZ AHMAD @ LAL SON OF MD SABIR AHMAD RESIDENT
OF VILLAGE NEMUA, PS- SUPAUL, DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Pathak
For the informant	:	Mr. Mohit Shriwastava
For the Opposite Party/s	:	Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 5 15-09-2023 1. Heard learned counsel for the petitioner, learned counsel for the Informant and learned A.P.P. for the State.
2. The petitioner seeks bail in connection with Supaul P.S. Case No. 510 of 2021 registered for the offences punishable under Sections 147, 149, 341, 342, 323, 504, 506, 307, 379 of the Indian Penal Code and under Section 27 of the Arms Act.
3. As per prosecution case, there is specific accusation against the petitioner who has fired at the informant with an intention to kill him, due to which the informant sustained injury on his hand.
4. Learned counsel for the petitioner submits that the petitioner is in custody since 10.02.2022 and bears no criminal antecedent. Charge-sheet has been submitted in this case and



there is no likelihood of tampering with the prosecution evidence. He further submits that earlier vide order dated 12.07.2022 passed in Cr. Misc. No. 22262 of 2022 the bail of the present petitioner has been rejected by this Court with an observation that if the trial is not concluded within nine months from the date of said order, the petitioner may renew his prayer for bail. Learned counsel further submits that the present bail petition of the petitioner has been filed after one year from the date of earlier rejection of bail prayer of the petitioner. Learned counsel further submits that charge has been framed in this case on 24.08.2022, but till now despite the direction of this Court, the trial has not been concluded as yet. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 10.02.2022 and total period of custody undergone by the appellant is near about one year and seven months.

5. Learned A.P.P. for the State as well as learned counsel for the informant opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this Court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded within nine months, the petitioner may renew his prayer for bail.



6. A report regarding stage of trial has been sought by this Court and in pursuance of said direction the trial court vide letter no. 47/2023 dated 18.05.2023 has sent its report which reveals that charge has been framed on 24.08.2022 and out of 12 charge-sheet witnesses, 07 charge-sheet witnesses have been examined and cross-examined. Further, the trial court vide letter no. 20/2023 dated 28.06.2023 has again sent its report which reveals that out of 12 charge-sheet witnesses 08 charge-sheet witnesses have been examined and cross-examined. From perusal of aforesaid reports, it is evident that delay of trial is not attributable to the present petitioner as he is in custody since 10.02.2022.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within nine months and delay of trial is not attributable to the petitioner and argument advanced on behalf of both the parties, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Supaul in connection with Supaul P.S. Case No. 510 of 2021 arising out of S. Tr. No. 303 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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