

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35353 of 2023

Arising Out of PS. Case No.-22 Year-2003 Thana- KOTHI District- Gaya

Alim Mian Son of Manjil Mian @ Mangali Miyan Resident of village-
Imnabad, P.S.-Kothi, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Kothi P.S. Case No. 22 of 2003 for the offences punishable under Sections 302/324/326 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 26.11.2003 by the informant Abdul Safi Khan.

3. As per the prosecution story, the allegation is that on 26.11.2023 after the Namaj prayer was completed, allegation is that the accused petitioner as also another co-accused resorted to fire which led to injury to Nausad Ali and Abdul Safique Khan . Later Nausad Ali succumbed to the injuries.

4. Learned APP has pointed out that the allegation is of the year 2003. The petitioner who is named in the FIR chose to prefer anticipatory bail in 2008 which came to be dismissed



in the year 2009. He thereafter disappeared and only in the year 2022, came to judicial custody.

5. Taking into account the fact that the FIR was lodged two decades ago but due to the attitude of the petitioner, the trial could not be taken to its logical conclusion, now that he has come to judicial custody, it will be appropriate that the trial comes to an end. So far the bail application is concerned, it stands dismissed.

6. The trial Court is directed to expedite the trial and conclude the same preferably within a period of one year.

7. As per the learned counsel, the petitioner is ill. The Jail Superintendent to take appropriate steps so that proper medical assistance is rendered to the petitioner. Let a copy be sent to the Jail Superintendent, Gaya Central Jail as also the Deputy Superintendent, Sub-Jail, Syherghati for the needful.

(Rajiv Roy, J)

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