

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34228 of 2022

Arising Out of PS. Case No.-221 Year-2020 Thana- ARARIA District- Araria

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Zakir Son of Late Idris, R/O Village- Jhamta, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Araria
(R.S.) P.S. Case No. 2221 of 2020 corresponding to S.T. No.
179 of 2021 registered for the offences punishable under
Sections 341, 323, 324, 307 of the Indian Penal Code and 45 of
Prison Act, U/s. 389(iii), 389(xxxii) of Bihar Prison Act.

As per the prosecution, the informant Satyendra
Kumar, Jail Superintendent alleged that the petitioner inflicted
fatal hammer blow on his co-prisoner Rahul Kumar Sardar

The main submissions advanced by the learned
counsel Mr. Nafisuzzoha for the petitioner are that as per



allegation this petitioner assaulted one co-prisoner by means of a hammer but during investigation the police did not recover the said hammer and the petitioner was remanded in the present matter after one year from the date of the alleged occurrence and he has been languishing the jail for last two years in the present matter.

Learned APP Mr.Raj Ballabh Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. The petitioner was admittedly a convict and undergoing punishment awarded in other criminal case when the alleged occurrence took place and during the custody in jail he committed the alleged offence of attempt to murder and he assaulted one co-prisoner by means of a hammer and in this regard the injury report of the said co-prisoner mentioned at paragraph no.18 of the case diary is relevant. Considering the seriousness of the allegation appearing against the petitioner, this court is not inclined to enlarge him on bail in the present matter. Accordingly, his bail prayer stands rejected.

The trial court is directed to conclude the trial of the petitioner within one year from the date of this order, if the petitioner's trial is not concluded in the said period then the



petitioner may renew his bail prayer.

(Shailendra Singh, J)

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