

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41180 of 2023

Arising Out of PS. Case No.-95 Year-2021 Thana- PRANPUR District- Katihar

Md. Jakir @ Md. Aklu @ Aklu Son of Md. Iliyas @ Iliyas Resident of
Village- Labha, P.S. - Pranpur, (Roshna), District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 28-06-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Pranpur P.S. Case No. 95 of 2021 (S.T. No. 308 of 2021) dated
25.06.2021 registered for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code.
3. This is second attempt of the petitioner for the
relief of regular bail after his earlier prayer for the same relief
was rejected by this court vide order dated 10.08.2022 passed in
Cr. Misc. No. 6230 of 2022 preferred by this petitioner and now
the petitioner has come again for the same relief mainly on the
ground of liberty given to him in the earlier rejection order.
4. As per FIR, the informant's brother was murdered
by strangulation and the informant alleged that there was illicit



relationship between the wife of the deceased and the petitioner which was always objected by the deceased and all the villagers knew the said relationship and on the alleged day of occurrence the informant saw the petitioner fleeing from the house of the deceased at the relevant time of the alleged murder.

5. The main submissions advanced by learned counsel for the petitioner are that Cr. Misc. No. 6230 of 2022 earlier preferred by petitioner for the relief of regular bail was rejected by this court with a direction given to the trial court to expedite the trial of the petitioner and conclude the same within nine months from the date of earlier rejection order and petitioner's trial is still running and out of nine charge-sheeted witnesses 5-6 prosecution witnesses have been examined so far and prosecution is very slow in producing and examining the prosecution witnesses. It is further submitted that co-accused Md. Kalam and Md. Masum @ Masum Akhtar have been granted bail by different co-ordinate benches of this court vide orders passed in Cr. Misc. No. 10596 of 2022 and Cr. Misc. No. 16313 of 2022 respectively and co-accused Pawani Devi @ Pabni Devi who is stated to be a conspirator with this petitioner has also been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 23124 of 2023 and



petitioner's case stands on similar footing with the said co-accused. It is further submitted that petitioner is 29 years old person and has been languishing in jail since 26.06.2021 and in the petitioner's case the charge has been framed but thereafter till today there is no substantial progress in his trial and there is no chance of early conclusion of petitioner's trial in near future.

6. Learned APP appearing for the State opposes the bail prayer.

7. Heard both the sides. Though, there is a serious allegation against this petitioner but several co-accused persons mentioned above including co-accused Pawani Devi @ Pabni Devi who was alleged to have conspired with this petitioner to kill her own husband are on bail granted by co-ordinate benches of this court and even after the lapse of nine months from the date of earlier rejection of bail prayer of this petitioner, the trial of the petitioner has not been concluded despite a direction given to the trial court to expedite the trial of the petitioner which shows the slowness of the prosecution to produce the prosecution witnesses and petitioner is stated to be a young person having fair and clean antecedent, in the opinion of this court, the petitioner now deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail on



furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Pranpur P.S. Case No. 95 of 2021 (S.T. No. 308 of 2021).

(Shailendra Singh, J)

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