

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49766 of 2022

Arising Out of PS. Case No.-213 Year-2017 Thana- SAHEBGANJ District- Muzaffarpur

MD. SAKIR @ SAKIR S/o Md. Hadish R/o village- Dhanaiya, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 15-03-2023 Heard Mr. Chandra Shekar Anand, the learned

Advocate for the petitioner and Mr. Ram Priya Sharan

Singh, for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 159/2020 arising out of Sahebganj P.S.

Case No. 213/2017.

The prayer for bail of the petitioner who is sought

to be prosecuted in a case under Section 304(B)/34 of the

Indian Penal Code was earlier rejected vide order dated

19.07.2018 in Criminal Misc. No. 43180 of 2018,

whereafter the prayer for bail of the petitioner was again

twice rejected by this Court on 12.10.2020 and



08.12.2021 passed in Criminal Misc. Nos. 21738 of 2020 and 49412 of 2021.

The petitioner is said to be in custody since 15.09.2019.

While rejecting the prayer for bail for the third time, it was observed that if there is no substantial progress in the disposal of the trial within a period of six months, the petitioner would be at liberty to approach the Court below again for grant of bail.

As directed, the petitioner approached the Court below but no positive order has been passed.

This Court had called for a report from the Court below about the present status of the case.

The report dated 02.04.2023 indicates that out of twelve prosecution witnesses, six have been examined and non-bailable warrant of arrest has been issued against non-official witnesses and summons against the official witnesses.

The next date fixed in the case was 14.02.2023.

The learned counsel for the petitioner submits



that for no fault of the petitioner, the trial has been delayed without any plausible reason.

However, looking at the nature of accusation against the petitioner, I am not inclined to grant bail to him.

The prayer is rejected.

However, it is directed that if the trial is not concluded within the next six months, it would be open for the petitioner to approach this Court again for grant of bail.

(Ashutosh Kumar, J)

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