

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55570 of 2023

Arising Out of PS. Case No.-301 Year-2020 Thana- TURKAULIYA District- East
Champanan

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Akalu Mian Son Of Sahabjan Miya Resident Of Village - Chainpur, P.S. -
Turkauliya, Distt. - East Champanan, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-10-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 341, 323, 324, 302 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was

rejected vide order dated 04.01.2023 passed in Cr.

Misc. No. 20276 of 2022 with an observation to the Trial

Court to expedite the trial and conclude the same within

a period of six months.

It is alleged that this petitioner that he stabbed



knife blow to the niece of the informant Mobina Khatoon, as a result of which, she succumbed to the injuries.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. It is further submitted that there is land dispute between the parties. The informant is not an eye witness to the occurrence. The petitioner is languishing in custody since 24.05.2020.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that there is specific accusation against the petitioner that due to stabbing of the petitioner, the niece of the informant died. During investigation, the independent witnesses have also supported the case of the prosecution.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received and it has been kept at Flag-A.

The report of learned 22nd Additional District



Judge, East Champaran, Motihari dated 04.09.2023 suggests that out of six prosecution witnesses, only two witnesses have been examined and for rest of the witnesses, summons and bailable warrants have been issued which suggests that there is no likelihood of the trial being concluded in near future.

Considering the facts aforesaid and the fact that there is no likelihood of the trial being concluded in near future and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 22nd Additional District & Sessions Judge, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 301 of 2020 (Sessions Trial No. 479/2017).

(Sunil Kumar Panwar, J)

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