

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61837 of 2022

Arising Out of PS. Case No.-398 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

MD. ISLAM Son of Md. Isahak @ Md. Isak Resident of Village- Thumma,
P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 11-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is the fourth attempt of the petitioner to seek regular bail as earlier his bail application was rejected by order dated 12.04.2019 in Cr. Misc. No. 77332 of 2018, thereafter by order dated 09.11.2020 in Cr. Misc. No. 67090 of 2019, thereafter again on 22.03.2022 in Cr. Misc. No. 50408 of 2021.

Learned counsel for the petitioner submits that earlier when the bail application of the petitioner was rejected by order dated 22.03.2022 in Cr. Misc. No. 50408 of 2021, it was submitted that all the witnesses who were summoned in pursuance of the order passed by the learned trial court on an application filed under Sections 3 and 11 of the Cr.P.C. all such witnesses have been examined, such witnesses were called by



the prosecution after the charge-sheet witnesses were examined in the case, it is submitted that since the trial was nearing completion as such the Court was not inclined to grant bail, accordingly the present application was filed when by order dated 23.11.2022 a report was called for by the learned trial court explaining the reason for delay in completing the trial. The learned trial court has submitted a report by its letter dated 15.12.2022 in which it has been stated that prosecution has filed an erroneous petition dated 15.09.2022 for documents to be marked as exhibit to which rejoinder of said defence petition was received on 22.10.2022 and later the prosecution again filed another petition on 09.12.2022 for correction of petition dated 15.09.2022 from the report submitted by the learned trial court it appears that the prosecution is deliberately trying to delay the trial.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is



pending/successor court in connection with Runnisaidpur P.S.
Case No. 398 of 2018.

One of the bailors of the petitioner shall be 'Intaf
Miyan' father-in-law of the son of the petitioner.

Further, in the event, if the trial court comes to a
conclusion that petitioner after his release is trying to delay the
trial in any manner, the trial court shall forthwith cancel his bail
bonds after recording reasons.

(Satyavrat Verma, J)

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