

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68332 of 2023**

Arising Out of PS. Case No.-10 Year-2022 Thana- GARHI District- Jamui

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HABIB MIYAN S/O LATE SALEMAN MIYAN RESIDENT OF RAHMAT
NAGAR, MURBADO, PS. GARHI, DIST. JAMUI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 01-12-2023 This is the second attempt of the petitioner for grant of regular bail as the earlier application of the petitioner has been rejected vide order dated 17.05.2023 passed in Criminal Misc. No. 22749 of 2023.

2. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

3. The petitioner seeks bail in connection with Sessions Trial No. 38 of 2023 arising out of Garhi P.S. Case No. 10 of 2022 registered for the offence under Sections 147, 148, 149, 341, 504, 302, 506 of the Indian Penal Code and under Section 27 of the Arms Act.

4. It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case and other co-accused namely Vijay



Yadav has already been granted bail by this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 20721 of 2023.

5. During investigation it has come that the deceased has been killed at the instance of the petitioner and the call details records also points out the involvement of the petitioner. The petitioner has criminal antecedents also.

6. The trial is held-up because one of the co-accused has not been co-operating in the trial.

7. In these circumstances, the trial Court is directed to separate the trial of the petitioner and thereafter proceed with the trial. The prosecution and the defence will co-operate in the trial. The Superintendent of Police, Jamui is directed to produce the witnesses in the Court below on the dates fixed so that the trial can be concluded at the earliest.

8. With the aforesaid directions, this application stands dismissed.

(Sandeep Kumar, J)

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