

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73831 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- LODIPUR District- Bhagalpur

MD. WAZIR Son of Late Md. Samim @ LATE SAMIM Resident of village -
Puraini, Kharadi, P.S.- Jagdishpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
15.10.2021 in connection with Sessions Trial No. 358 of 2022
arising out of Lodipur P.S. Case No. 206 of 2021, F.I.R. dated
14.10.2021 for the offences punishable under Sections 365, 307,
120(B)/34 of the Indian Penal Code and later on Section 302 of
the Indian Penal Code was added.

According to prosecution case, in brief, is that on
12.10.2021 at about 05:00 P.M. Md. Amir (deceased) Nati of
Md. Kalim was taken away by Md. Wazir (petitioner) of Puraini
Kharadi village and till 09:00 P.M. Amir was not come back to
his hose, the with the help of villagers Md. Kalim searched
about his Nati but it go in vain. Then on 13.10.2021 at about



04.00 P.M. the villagers of the said village Ustu has found Md. Amit in the north-east corner behind Md. Yakub's house in the bushes in lying condition. Md. Kalim and the villagers went to Puraini to ask about this incident to the Md. Wazir (petitioner), after seeing the crowd he fled away but one person caught by the villagers.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the postmortem report does not support the allegation as alleged in the F.I.R.

Vide order dated 01.05.2023 a report was called for with regard to the present stage of trial. Report dated 12.05.2023 of the learned trial court reveals that out of eight charge sheet witnesses, six have already been examined and only two charge sheet witnesses have yet to be examined and cross-examined.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 15.10.2021.

Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with Sessions Trial No. 358 of 2022 arising out of Lodipur P.S. Case No. 206 of 2021 pending in the court of learned Additional Sessions Judge-V, Bhagalpur.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

