

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77514 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- GHOGHARDIHA District- Madhubani

Md. Nizam, Son of Md. Momtaz, R/O Village- Amahi, P.S.- Ghohardiha,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Ghoghardiha P.S. Case No. 31 of 2021 dated 23.02.2021
registered for the offences punishable under Section 365/34 of
the Indian Penal Code and later on, Sections 302, 201 and
120B read with Section 34 of the IPC were added.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier bail prayer was rejected
by this Bench vide order dated 14.03.2023 passed in Cr. Misc.
No. 43246 of 2022 preferred by this petitioner.

4. The fresh grounds taken by the petitioner for
the relief of regular bail in his second attempt are that in the



earlier rejection order, this Court had granted liberty to the petitioner to renew his bail prayer after six months from the date of rejection order if any significant progress is not made in his trial by the trial court within the said period and in the light of the said liberty, he has come again before this Court for the relief of regular bail as till date, no significant progress has been made in his trial despite of the charges having been framed upon the petitioner on 25.07.2022 and thereafter, several dates have passed before the trial court but till date, no prosecution witness has turned up in his trial and the trial court has also issued non-bailable warrant against the prosecution witnesses but even then no progress has been made. Further submissions are that the petitioner has no criminal antecedent and he has been languishing in jail since 24.03.2021 and co-accused Md. Saddam carrying similar nature of allegation is on bail.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly taking into account the prosecution's slowness in producing and examining the prosecution witnesses as mentioned-above by the petitioner's counsel and also, the petitioner's fair and clean



antecedent and his custody period, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ghoghardiha P.S. Case No. 31 of 2021.

(Shailendra Singh, J)

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