

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9387 of 2024

Arising Out of PS. Case No.-5 Year-2018 Thana- SUHAIL District- Gaya

Ganesh Sao S/O Late Nageshwar Sao Village- Sindha, Ps. Naudiha Bazar,
Dist. Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-04-2024 Heard Mr. Md. Javed Jafar Khan, learned counsel
appearing on behalf of the petitioner and Mr. Mritunjay Kumar
Nirala, learned Additional Public Prosecutor for the State.

2. Application has been filed for grant of bail to the
petitioner, who is in custody in connection with Suhail P.S. Case
No. 5 of 2018, registered for the offences punishable under
Section 302 of the Indian Penal Code.

3. This is the second attempt made on behalf of the
petitioner, as earlier the prayer for bail was rejected by this
Court in Cr. Misc. No. 42582 of 2021 *vide* order dated
29.06.2022, after taking into consideration the specific
allegation against the petitioner that he inflicted knife blow over
the abdomen and back side of his deceased wife, due to which
she succumbed to the injury. This Court had also considered the



statement of the son of the deceased who supported the prosecution case.

4. However, while negating the prayer for bail of the petitioner, this Court had directed the learned trial court to take all measures to ensure speedy disposal of the case but till date not even a single witness has been examined.

5. In such circumstances, the learned Advocate for the petitioner submits that the petitioner has been incarcerated since 04.09.2019 and there is no likelihood of the conclusion of the trial in near future. Hence, he may be allowed the privilege of bail.

6. On the other hand, learned APP for the State opposes the bail application and submits that earlier the prayer for bail of the petitioner was rejected considering the specific allegation and there is no cogent overwhelming circumstances for reconsideration of his prayer for bail.

7. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation, this Court is not inclined to re-consider the prayer of the petitioner. Accordingly, the application stands dismissed.

8. However, taking note of the fact that the petitioner has been incarcerated since 04.09.2019, this Court expects that



the learned trial court shall ensure conclusion of the trail as earlier as possible. In case there is no progress in the trial, the petitioner shall be at liberty to renew his prayer for bail after six months.

(Harish Kumar, J)

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