

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10466 of 2024

Arising Out of PS. Case No.-76 Year-2020 Thana- MAHKAR District- Gaya

Md. Tajuddin @ Tajuddin Son Of Md. Murtaza @ Murtaz Sakin Resident Of
Village- Neyamatpur, Ps- Mahkar, Distt- Gaya And At Prsent Residing At
House No. 1365, Flat No. 202, Second Floor, A Wring Ashiyana Apartment,
Freeda Bag Nadi Naka Bhibandi, Thane, Maharastra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 336 of 2021, arising out of Mahkar P.S. Case No. 76 of 2020, registered on 29.07.2020 for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. This is the second attempt of the petitioner to seek bail from this Court as earlier his prayer for bail was rejected vide order dated 27.09.2022 passed in Cr. Misc. No. 69397 of 2021.

4. The allegation against the petitioner is of stabbing the father of the informant with knife and he



succumbed to his injuries.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 01.03.2021 and out of 18 charge sheet witnesses only 5 witnesses have been examined till date. There is no likelihood of conclusion of trial in near future. Learned counsel further submits that the witnesses, who have been examined till date before the learned trial court have given contradictory statement. Learned counsel further submits that the petitioner has been living in Maharashtra and is not a usual resident of the place where the occurrence took place. Learned counsel further submits that co-accused Md. Ashique @ Md. Ashif has been granted bail vide order dated 22.10.2021 passed in Cr. Misc. No. 40977 of 2021 by Co-ordinate Bench.

6. Learned APP opposes the prayer for bail of the petitioner. Learned APP submits that no new ground has been brought on record to reconsider the prayer for bail of the petitioner.

7. Perused the records.

8. From perusal of the deposition of P.W. 1 Md. Jawed, P.W. 2 Parwej Alam and P.W. 3 Ruksana Khatoon, I find that all the three witnesses have specifically named the petitioner, who stabbed the father of the informant, who died



later on. Mere delay in conclusion of the trial could not be a ground for bail in the light of specific allegation supported by the cogent evidence. Therefore, I do not think any merit in the present case and accordingly, the prayer for bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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