

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18741 of 2024

Arising Out of PS. Case No.-257 Year-2022 Thana- BANIAPUR District- Saran

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Ashraf Ali @ Ashraf Miya S/O Najbuddin Miya @ Najbuddin @ Nazbuddin
R/O Village- Kanhauli Manohar, P.S- Baniyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Harish Kumar, learned counsel for the

petitioner and Mr. Rajendra Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
26.05.2022, in connection with Sessions Trial No. 545 of 2022
arising out of Baniyapur P.S. Case No. 257 of 2022, F.I.R. dated
25.05.2022 registered for the offences punishable under
Sections 147, 148, 149, 302, 307 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 13.04.2023 passed in Cr. Misc. No.
65631 of 2022 by this Court and thereafter the petitioner has
again approached this Hon'ble Court in Cr. Misc. No. 59830 of
2023 but the same was withdrawn with liberty to move afresh



before the learned Trial Court vide order dated 08.09.2023.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from the aforesaid the petitioner carries nineteen more cases other than the present one.

6. Vide order dated 13.03.2024 a report was called for with regard to the stage of the trial. Report dated 02.04.2024 of the learned Trial Court reveals that out of eight chargesheeted witnesses, seven witnesses have already been examined and now the case is fixed for argument.

7. Considering the aforesaid facts and circumstances of the case and in view of the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 545 of 2022 arising out of Baniyapur P.S. Case No. 257 of 2022 pending in the Court of learned Additional Sessions Judge-IXth, Saran at Chapra.

8. Prayer is refused.



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

(Rajesh Kumar Verma, J)

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