

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31964 of 2024

Arising Out of PS. Case No.-549 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

MD. DILSHAD ALAM @ DILSHAD @ MD. DILSHAD SON OF MD.
SITAB R/O-BISHANPUR PATTI, P.S.-SAHEBGANJ, DISTT.-
MUZAFFARPUR, BIHAR-843125

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Noushad Khan Khan, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 09-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no. 797 of 2022, arising out of Sahebganj P.S. Case no. 549 of 2019 registered under sections 304B and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant who was married to the petitioner was tortured for non-fulfillment of the demand of motorcycle etc. and was ultimately done to death by the accused persons including the petitioner herein.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 8.2.2022 (Annexure A) passed in Cr. Misc. no. 35992 of



2021. In spite of the petitioner having remained in custody since 12.8.2020, there is no progress whatsoever in the trial in the learned trial Court. As per instructions received, only one witness has been examined on behalf of the prosecution. There is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 18.7.2024 of the 1st Additional District & Sessions Judge, Muzaffarpur, charge was framed in the learned trial Court on 10.7.2023 and till now out of seven charge-sheet witnesses, one witness has been examined on behalf of the prosecution.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the contents of the letter dated 18.7.2024 received from the learned trial Court with respect to stage of the trial according to which only one witness has been examined on behalf of the prosecution and specially the petitioner having remained in custody for about 4 years since 12.8.2020, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 797 of 2022 (arising out of Sahebganj P.S. Case no. 549 of



2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I, Muzaffarpur on the following conditions :-

(I) One of the bailors of the petitioner shall be a close relative of the petitioner.

(II) The petitioner shall remain physically present in the learned trial Court on each date and shall cooperate in the trial.

(III) In case the petitioner remains absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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