

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23419 of 2024

Arising Out of PS. Case No.-137 Year-2021 Thana- BARSOI District- Katihar

Afsar Raza S/o Md. Jamil Akhtar R/o Vill - Malkot, P.S. - Dalkola, Distt. -
Uttar Dinajpur, (W.B)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Ejaz Akhtar, Advocate
		Mr. Rupesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. This is the second attempt of the petitioner to seek bail from this Court in connection with S.T. No. 137 of 2022 arising out of Barsoi (Sudhani O.P) P.S. Case No. 137 of 2021, registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code, as his prayer for bail was earlier rejected vide order dated 30.08.2022 passed in Criminal Misc. No. 8890 of 2022.

03. As per prosecution case, dead body of a lady was recovered and her neck was found slit with some sharp cutting weapon. Further, a dead body of a child was also recovered. The case was registered against unknown, but during investigation, the name of the petitioner and co-accused persons came up as



accused persons who murdered the lady and the child.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner is in custody since 02.08.2021 and the trial has not been concluded till date in spite of the directions of this Court to conclude the trial within a year while rejecting the prayer for bail of the petitioner. Learned counsel further submits that there appears no chance of any early conclusion of the trial.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that no new material has come up on record to re-consider the prayer for bail of the petitioner.

06. Perused the record.

07. Perusal of record shows on the last date of hearing, i.e., on 20.03.2024, a report was called for from the learned trial court regarding the stage of the trial and explanation for not concluding the trial within the stipulated period of one year. Towards compliance of order dated 20.03.2024, a report dated 22.03.2024, has been received from the learned trial court wherein it has been submitted that altogether 21 witnesses have been examined and the prosecution has been granted last opportunity for adducing



his evidence. Learned trial court has further submitted that trial would be concluded within next three months towards compliance of order dated 16.02.2024 passed in Criminal Misc. No. 3934 of 2024.

08. Having regard to the fact that trial appears to be at fag end and there is no new fact to reconsider the prayer for bail of the petitioner, which has already been rejected earlier by this Court, I do not think the prayer for bail of the petitioner could be considered afresh. Accordingly, the prayer for bail of the petitioner is **rejected**.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

