

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28268 of 2024

Arising Out of PS. Case No.-45 Year-2023 Thana- ARA NAGAR District- Bhojpur

Md. Shanwaz Alam @ Md Sahnawaj Alam @ Md Sahnawaj S/o Md. Harun
Ansari @ Haroon Ansari R/o vill - Milki Khetari, P.S. - Ara Town, Distt. -
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hafiz Shahbaz Arif, Adv.
For the State	:	Mr.Bharat Bhushan, APP
For the Informant	:	Mr.Akash Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 22-11-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Ara
Town P.S. Case No. 45 of 2023 corresponding to Sessions Trial
No. 492 of 2023 registered for the offences punishable under
Sections 304B/34 of the IPC.

3. As per prosecution case, informant's daughter was
married with the petitioner in the year 2022 and thereafter, the
petitioner and others subjected her to cruelty due to non
fulfillment of demand of dowry. Ultimately, on 15.01.2023
informant came to know that her daughter was murdered by
petitioner and others.

4. Learned counsel for the petitioner submits that bail



prayer of the present petitioner has been rejected by this Court on merit on 02.12.2023 vide Cr. Misc. No. 42259 of 2023 with direction to the trial court to expedite the trial and conclude the same as soon as possible. He further submits that petitioner has filed the present bail petition after eleven months from the date of rejection of his previous bail prayer. He further submits that petitioner bears no criminal antecedent. He further submits that delay of trial is not in any way attributable to the present petitioner as he is in custody since 28.02.2023.

5. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that bail prayer of the petitioner has already been rejected on merit. They further submit that petitioner is husband of the deceased and there is specific allegation against him and the same is supported and corroborated by the postmortem report. Hence, petitioner does not deserve bail.

6. A report regarding stage of trial has been sought by this court and in pursuance of the said direction, the trial court vide letter no.50/2024 dated 28.10.2024 has sent its report which reveals that out of six prosecution witnesses, five prosecution witnesses have already been examined. The



aforesaid report further reveals that trial is likely to be concluded within five months.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, earlier bail prayer of the petitioner has been rejected on merit as well as report of trial court, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner stands rejected.

8. The learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Alok Kumar Pandey, J)

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