

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54440 of 2024

Arising Out of PS. Case No.-353 Year-2018 Thana- MUNGER MUFFASIL District- Munger

1. Md. Tanveer @ Md. Tanveer Alam @ Sonu Son Of Md. Ejajul @ Eyazur Rahman Resident Of Village - Mirjapur, Bardah, P.S. - Muffasil, District - Munger
2. Md. Gulan @ Gulfam Son Of Md. Ejajul @ Eyazur Rahman Resident Of Village - Mirjapur, Bardah, P.S. - Muffasil, District - Munger
3. Md. Rizwan @ Bhoto Son Of Md. Ejajul @ Eyazur Rahman Resident Of Village - Mirjapur, Bardah, P.S. - Muffasil, District - Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 02-12-2024 Heard Learned Senior Counsel for the petitioners and
Learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Muffasil P.S. Case No. 353 of 2018, G.R. No.2964/2018 (Sessions Trial No.213 of 2021) lodged on 30.09.2018, for the offences punishable under Sections 121, 379, 414, 120(B) & 34 of the Indian Penal Code read with Sections 25(1-A), 25(1-AA), 25(1-b)a, 26 & 35 of the Arms Act and Section 39 of the U.A.P. Act.

3. Learned Senior Counsel for the petitioners submits



that the bail application of the petitioners has earlier been rejected twice *vide* orders dated 04.03.2020 & 08.02.2024 passed in Cr. Misc. Nos. 70596 of 2019 & Cr. Misc. No. 71827 of 2023 respectively. But, in the second rejection order dated 08.02.2024, this Hon'ble Court has directed the Trial Court to conclude the trial within the stipulated period of six months failing which, the petitioners will be at liberty to renew their prayer for bail. Counsel further submits that the order was passed on 08.02.2024 and six months have already been lapsed and thereafter, the present bail application has been filed third time.

4. From perusal of the record, it transpires to this Court that from the order dated 08.02.2024, the date on which six months has to be lapsed is on 08.08.2024, but the present bail application has been filed on 24.07.2024 i.e. prior to six months.

5. *Vide* order no.3 dated 04.09.2024, this Court has directed the Superintendent of Police, Munger to file a counter affidavit in this matter and the said counter affidavit has been filed in which Superintendent of Police, Munger has intimated to this Court that one of the co-accused has been absconding in this case and it is due to this reason, trial has been delayed. But



subsequently, by the effort of the prosecution, the trial was separated on 01.10.2024, but due to leave of the Presiding Officer as well as due to Durga Puja holidays, next date was fixed on 25.10.2024 for evidence. It has also been submitted that within three months further, all witnesses shall be examined.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the delay is not intentional, rather, it is only due to absconding of one of the co-accused.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for regular bail of the petitioners is hereby rejected.

8. It is directed to the Superintendent of Police, Munger to ensure the production of witnesses in connection with Muffasil P.S. Case No. 353 of 2018, G.R. No.2964/2018 (Sessions Trial No.213 of 2021) before the Trial Court within 3 months and it is directed to the Trial Court to conclude the trial within six months counting from today.

9. Office is directed to transmit a copy of this order to the Superintendent of Police, Munger through fax, e-mail or any other mode forthwith. Office is further directed to hand over a copy of this order to Learned APP for the State who shall



communicate this order to the Superintendent of Police, Munger at
his level.

(Dr. Anshuman, J)

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