

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55413 of 2024

Arising Out of PS. Case No.-93 Year-2003 Thana- THAKURGANJ District- Kishanganj

Md. Kalam Ansari @ Kariya @ Md. Kariya @ Kalim Ansari Son Of Md.
Muslim Resident Of Village - Amaljhari, P.S. - Pathamari, District -
Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the state.

2. The instance application for regular bail has been
filed by the petitioner in connection with Thakurganj P.S. Case
No. 93 of 2003 instituted for the offence u/s 147, 148, 149 and
302 of the Indian Penal Code.

3. Earlier the application for regular bail of the
petitioner was dismissed as withdrawn vide order dated
20.04.2023 passed in Cr. Misc. No. 30594 of 2021 with a
direction to trial Court to conclude the trial within one year
which mentioned in the report of trial Court. Again, the
petitioner renewed his prayer for bail which was dismissed as
withdrawn by this Court vide order dated 04.04.2024 in Cr.



Misc. No. 6533 of 2024 on the basis of report of trial Court dated 19.02.2024 by which it appeared that the trial would be concluded by the end of June, 2024 and for which, direction was given to trial Court to conclude the trial within the stipulated period of time i.e., end of June 2024 failing which petitioner would be at liberty to renew his prayer for bail but the same has not been concluded as yet.

4. It is submitted by learned counsel for the petitioner that this case relates to year 2003. It is further submitted from para-10 of this petition that the report of learned Subordinate Court produced before the Hon'ble Court seeking 3 months time to conclude the trial and on which the Hon'ble Court relied but it is very harsh to the petitioner that there is no single witness has been examined since 04.04.2024 and in support of this certified copy of the order dated 28.02.2024 to 13.06.2024 is being annexed herewith and marked as Annexure-4. The petitioner is languishing in judicial custody since 12.10.2020 and he has got no criminal antecedent.

5. From perusal of the order sheet of trial Court which has been annexed in this petition by which it appears that the case is fixed for adducing the prosecution evidence.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Thakurganj P.S. Case No. 93 of 2003 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge I cum Special Judge, Kishanganj with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bonds will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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