

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65246 of 2024

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA PS District- Katihar

Azhar Nishad @ Md. Azher S/o Late Afsar Ali @ Late Afsar Alam R/O
Village- Dhachna, P.S.- Barsoi, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate Mr. Pratyush, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Radha Mohan Singh, Advocate Mr. Satyam Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-10-2024

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.354 of 2022, arising out of Mahila P.S. Case no. 28 of 2021 registered under sections 376D and 506 of the Indian Penal Code and section 66(E) of the I.T. Act.

3. As per the prosecution case, the informant states that his daughter was given an intoxicated drink by the petitioner, who established physical relations with her, took objectionable photographs and on threat of making the same viral committed various offences against her as detailed in the F.I.R.

4. It is submitted by learned counsel for the petitioner



that the earlier prayer for bail of the petitioner was rejected vide order dated 18.1.2023 (Annexure-2) passed in Cr. Misc. no. 36197 of 2022. The allegations against the petitioner from the very beginning is exactly similar to that of co-accused Md. Noor Nawaj who has since been enlarged on regular bail vide order dated 19.7.2024 (Annexure-6) passed in Cr. Misc. no.23203 of 2024. The petitioner is in custody since 13.4.2022. He has no criminal antecedent and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner besides being named in the F.I.R., there is direct allegation against him. The trial is near conclusion with seven of the eight charge-sheet witnesses having been examined in the trial in the learned trial Court.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 28.9.2024, out of the eight charge-sheet witnesses six witnesses have been examined.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., the contents of the order granting bail to co-accused



Md. Noor Nawaz from which it transpires that the specific allegations are against this petitioner together with the progress in the trial which according to the learned counsel for the informant, seven of the eight charge-sheet witnesses have already been examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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