

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71177 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

Md. Jafar @ Jafar @ Japhar S/O Abdul Bari @ Gaitha R/O Tarabari, P.O-Baisi, P.S- Vaisi, Distt.- Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 77444 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

Jakki @ Md Jaki Ahmad @ Jaki Ahmad S/O Nazir @ Imam Nazir Resident Of Village- Lautiyabari, PS. Baisi, Dist. Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71177 of 2023)

For the Petitioner/s : Ms. Alka Singh, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 77444 of 2023)

For the Petitioner/s : Mr. Mazher Alam, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

For the Informant : Mr. Ayush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 19-04-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Baisi P.S. Case No. 265 of 2022, lodged on 29.06.2022, under
Sections 302/120(B)/379/34 of the Indian Penal Code.

3. Learned counsel for both the petitioners submit that



bail application of both these petitioners were rejected vide order dated 25.02.2023 passed in Cr. Misc. No.62425 of 2022 with direction to the trial Court to conduct the trial expeditiously and conclude the same within nine months from the date of framing of the charge.

4. Learned counsel for the petitioners submits that till date trial has not been concluded and nine months have already elapsed. Counsel for the petitioners submits that rejection order of both the petitioners is same. Second time both the petitioners have moved separately.

5. Learned counsel for the State opposes the prayer for bail and submits that progress report was called for which is on record.

6. Learned counsel for the informant appeared and submits that from one Police Station case, two Sessions Trial, namely, Session Trial No. 521 of 2022 and Session Trial No. 225 of 2023 have arisen. The present petitioners are related to Session Trial No. 521 of 2022 in which eight witnesses has already been examined and last witness Dr. Pramod Thakur has already been examined.

7. It transpires that the trial Court has estimated that within five months the trial shall be concluded. As such, this



Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for regular bail of the petitioners of both the cases are hereby rejected. However, if the trial is not concluded within the said period, the petitioners are directed to be released, but it is made clear that prior to release the trial Court shall pass a reasoned order stating that for delay the petitioners are not responsible.

(Dr. Anshuman, J)

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