

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72373 of 2024

Arising Out of PS. Case No.-346 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Noorshad @ Don @ Nurshed @ Don @ Noorshad Alam S/O Matiur Rahman
R/O Village- Pothimari Jagir, Ward No. 2, P.S- Kochadhaman, Distt.-
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024

Heard the parties.

2. Petitioner seeks regular bail in connection with Kochadhaman P.S. Case No. 346 of 2021 dated 18.12.2021 registered for the offence(s) punishable under Section(s) 399, 401, 402, 412, 413 and 414 of the Indian Penal Code and Section(s) 25(1B)(a), 26 and 35 of the Arms Act as well as Section 3/4 of the Explosive Act.

3. Mr. Ram Prawesh Kumar, learned Counsel appearing for the petitioner submits that this is the second attempt of the petitioner to get the relief of regular bail and his first prayer was rejected vide order dated 11.04.2023 passed in Cr. Misc. No. 50698 of 2022 and the petitioner has again come mainly on the ground of his custody period as well as no



progress in his trial. Learned Counsel further submits that the petitioner has been languishing in jail since 19.12.2021 and till date only one prosecution witness has turned up before the Trial Court which shows that the petitioner's trial is not going to be completed in near future. Learned Counsel further submits that though there are criminal antecedents of several cases against the petitioner but he has been acquitted in two cases and in most of the rest cases, he is on bail except six criminal cases.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Heard both the sides and perused the relevant materials including the F.I.R.. Though, the petitioner has been languishing in jail since 19.12.2021 but considering the large number of criminal antecedents of him as well as the nature of the alleged offences and also the petitioner's arrest on the spot with fire-arms and others incriminating materials and the petitioner and other co-accused persons are alleged to be involved in the several criminal offences and the petitioner is said to be the gang-leader, this Court is not persuaded to take a lenient approach towards the prayer of this petitioner. Accordingly, his prayer stands rejected.

6. However, considering the petitioner's custody



period, the trial Court is directed to expedite the trial of the petitioner and make all possible endeavours to conclude his trial in the next one year.

7. As all the material witnesses of the prosecution are official person, so, Superintendent of Police, Kishanganj is directed to ensure the production or appearance of the prosecution witnesses before the Trial Court on the fixed dates.

(Shailendra Singh, J)

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