

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70798 of 2023

Arising Out of PS. Case No.-190 Year-2019 Thana- HUSSAINGANJ District- Siwan

Anwar Alam @ Md. Anwar Alam Son Of Wasil Miyan Resident Of Village -
Piyaaur, P.S. - M.H. Nagar, District - Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Kumari Anupam, Advocate
For the State	:	Mr. Lakshmi Kant Sharma, APP
For the Informant	:	Mr. Vijay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 28-06-2024 Heard Mr. Yogesh Chandra Verma, learned senior

counsel appearing on behalf of the petitioner and Mr.

Lakshmi Kant Sharma, learned A.P.P. for the State duly

assisted by Mr. Vijay Prakash Singh, learned counsel for the

informant.

2. Petitioner seeks bail in connection with S.T. No.

488/2022 arising out of Hussainganj (M H Nagar) P.S. Case

No. 190 of 2019 registered for the offences under Sections

147, 302, 506 of the Indian Penal Code alongwith Section

27 of the Arms Act and $\frac{3}{4}$ of the Explosive Substances Act.

3. The petitioner is named in the First Information

Report and is in custody since 25.05.2022.



4. This is the second prayer of bail of the petitioner.

5. Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner submitted that despite of specific direction of this Court as to conclude the trial within a period of six months while rejecting the prayer of bail on first occasion through Cr. Misc. No. 50979 of 2022 dated 23.02.2023, there is hardly any progress in this matter despite of framing of charge on 6th October, 2023 itself as only one prosecution witness was examined in this case. It is pointed out that similarly situated co-accused persons namely, Aibre Alam @ Abre Alam, whose bail petition was earlier rejected by learned coordinate Bench of this Court through Cr. Misc. No. 15410 of 2022 vide order dated 13.04.2022, was allowed by Hon'ble Supreme Court through Criminal Appeal No. 1142 of 2024 (arising out of S.L.P. (Criminal) No. 16694 of 2023) vide order dated 23rd February, 2024.

6. In the aforesaid background, learned senior counsel submitted that this petitioner is in custody since



25.05.2022, where there is almost no progress in trial and certainly in want of trial, this petitioner cannot be kept behind the Bar for an indefinite period.

7. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer of bail of the petitioner, submitted that main consideration of Hon'ble Supreme Court, while granting bail to Abbre Alam @ Abre Alam, was the custody period which is comparatively less for this petitioner.

8. In view of the aforesaid, without making any comment on merit of this case, as petitioner is in custody since 25.05.2022, having almost no progress in trial, accordingly, above-named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Court, Siwan in connection with S.T. No. 488/2022 arising out of Hussainganj (M.H. Nagar) P.S. Case No. 190 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. with further



condition that:

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents/prescription.

(II) Accused/petitioner shall extend all its support for expeditious trial and if it appears that the delay is being caused by this petitioner out of unreasonable grounds, State shall be at liberty to move before the learned trial court itself for cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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