

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75012 of 2023

Arising Out of PS. Case No.-205 Year-2020 Thana- BAHADURPUR District- Patna

Md. Azhar Son of Md. Akbal Hassan Resident of Mohalla - New Azimabad,
Police Station - Bahadurpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt of the petitioner to seek bail from this Court in connection with Bahadurpur P.S. Case No. 205 of 2020, registered on 13.12.2020 for the offences under Sections 302, 120B, 379/34 of the Indian Penal Code as his prayer for bail was earlier rejected vide order dated 13.07.2022 passed in Cr. Misc. No. 41467 of 2021.

3. As per prosecution case, the allegation against the petitioner and other co-accused persons that of murdering the son of the informant by slitting the throat.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 15.12.2020 and the trial is still pending and recently the case record has been committed for



Sessions trial. There is no likelihood of conclusion of trial in near future. Learned counsel further submits that the allegation against the petitioner is that the murder weapon was recovered at his instance but there is no finding that the weapon recovered was actually the weapon of murder used by the petitioner. The name of the petitioner came up in this case on the basis of confessional statement of co-accused Gulamuddin. . The other co-accused persons have been granted bail. The petitioner is having no criminal antecedent.

5. Learned APP vehemently opposes the prayer for bail of the petitioner. Learned APP submits that no new fact come up for reconsideration of the prayer of the petitioner against whom there is strong circumstantial evidence.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner with delay in conclusion of trial, since not a single witness has been examined by the prosecution till date, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna City, Patna/concerned Court in connection with Bahadurpur P.S.



Case No. 205 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

