

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86642 of 2023

Arising Out of PS. Case No.-452 Year-2021 Thana- ALAMGANJ District- Patna

Md Mutahir SON OF MD. MAHMOOD @ MD. MAZHAR @ MAZHAR IQBAL ZAHIDI RESIDING IN THE HOUSE OF SHAHOOD KHAN AS KIRAYEDAR, NEAR KALIGHAT IMAMBARA, P.S.- ALAMGANJ, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2024 Heard Ms. Vaishnavi Singh, learned counsel for the petitioner and Mr. Jitendra Singh, learned APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No. 1067 of 2023 arising out of Alamganj P.S. Case No. 452 of 2021 for the offence under Sections 302, 120(B)/34 of the Indian Penal Code lodged on 26.07.2021 by the informant, Md. Tarik.

3. As per the prosecution story, the matter relates to killing of the informant's brother and specific allegation against the petitioner is that he opened fire on his brother which caused the killing.

4. Earlier the case of the petitioner was heard and rejected on 02.09.2022 in Cr. Misc. No. 32841 of 2022.



5. Again, a fresh application has been preferred whereafter a report was called for, which has been received vide Letter no. 09 dated 17.01.2024. According to it, the case is pending for the appearance of accused Rohit Kumar and Raja @ Langra and non-bailable warrant has been issued to them, as also notices have been issued to the bailor.

6. The specific allegation has been made against the petitioner that he opened fire which resulted in the killing of the informant's brother and in that background, this Court does not deem it fit to give another look to the bail application, which is accordingly rejected.

7. However, this Court cannot take its eyes away from the fact that he is in custody since 02.08.2021 (paragraph-17 of the petition) and taking into account the aforesaid fact, it was the duty of the learned Trial Court to expedite the trial and if necessary to separate the same so that the trial in his case is taken to its logical conclusion.

8. From the cryptic report sent by the learned ADJ-2, Patna City vide letter No. 09 dated 17.01.2024, it seems no such steps have been taken.

9. Accordingly, this Court directs that if the accused persons have still not appeared in the trial, the case of the



petitioner be separated and the same be taken to its logical conclusion within a period of nine months from today.

10. The bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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