

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6402 of 2025

Arising Out of PS. Case No.-213 Year-2021 Thana- KAMTAUL District- Darbhanga

Abdul Khalid @ Abdul Khalik Son of Abdul Malik Resident of Village-
Wajidpur, P.S.- Kamtaul, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-05-2025 Heard Learned Counsel for the petitioner, Learned
A.P.P. for the State and Learned Counsel for the informant.

2. The petitioner seeks regular bail in connection with
Kamtaul P.S. Case No. 213 of 2021 lodged on 19.09.2021, for
the offence punishable under Sections 498(A), 304(B), 120(B)
& 34 of the Indian Penal Code.

3. Learned Counsel for the petitioner submits that the
bail application of the petitioner has earlier been rejected *vide*
order dated 19.03.2024 passed in Cr. Misc. No. 82645 of 2023
with specific direction to the Trial Court to conclude the trial
within 9 months and liberty was granted to the petitioners to
renew their prayer for bail within said nine months, in case of
non-conclusion of trial. Counsel submits that even after specific
direction of this Court to conclude the trial, the trial has not



been concluded and therefore, petitioner is not at fault and he may be released on bail. Counsel further submits that on earlier occasion, report with regard to the stage of trial has been called for and from the said report, it transpires that petitioner is not at fault and trial could not be concluded within nine months. Counsel further submits that the petitioner is in custody since 10.08.2023 having no criminal antecedent.

4. Learned Counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that their witnesses used to visit time and again but either on one pretext or other, witnesses were returned back and only due to this reason, evidence could not be completed.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that upon perusal of the report, it transpires that there are four accused in this case.

6. Since, the matter is under section 304 (B) of the IPC and family members are accused and all family members are well known to each other, it transpires to this Court from the report received from the Trial Court that two persons are in custody and the other accused person is not producing himself on date. It is due to this reason, in the absence of accused person, the evidence could not be started and the case is pending



for appearance of fourth absent accused namely, Md. Saddam Hussain. It further transpires that it is the accused person who is playing the tactics with the Trial Court for non-fulfillment of the Court's order on the one hand and on the other before this Court he is taking the plea that trial has not been concluded within nine months.

7. After going through the report, this Court is of the firm opinion that accused persons are in connivance with Md. Saddam Hussain (non appearing accused) and convincing him not to appear. As such, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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