

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5089 of 2025

Arising Out of PS. Case No.-221 Year-2020 Thana- ARARIA District- Araria

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ZAKIR @ MD. ZAKIR S/o- Late Idris Village- Jhamta Ps- Tarabari Dist-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 19-03-2025 Heard Mr. Md Naushaduzzoha, learned counsel for
the petitioner and Mr. Ahmad Ali, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Araria (R.S.) P.S. Case No. 221/ 2020 dated 12.03.2020
registered for the offence(s) punishable under Section(s) 341,
323, 324 and 307 of the IPC, section 45 of Prisons Act and U/s
389(iii), 389(xxxii) of Bihar Prison Manual.

3. The main submissions advanced by learned counsel
for the petitioner are that this is second attempt of the petitioner
to get the relief of regular bail and his first prayer was rejected
by this court vide order dated 13.02.2023 passed in Cr. Misc.
No. 34228 of 2022 preferred by the petitioner with giving him a
liberty to renew his prayer after one year from that order if his
trial is not concluded in the said period of one year and



accordingly, in the light of the said liberty the petitioner has renewed his prayer. It is further submitted that major offence of the FIR is section 307 of the IPC and the petitioner has been languishing in jail since 20.02.2021 in the present matter, though, the petitioner was convicted in Tarabari P.S. Case No. 84 of 2015 in which he was in jail when the alleged occurrence took place inside the jail but later on, his Cr. Appeal No. 547 of 2020 (SJ) preferred by him against that conviction was allowed and he was acquitted of the alleged offences of that case and accordingly, there is no criminal antecedent against him. It is further submitted that there is no significant progress in his trial as out of seven charge-sheet witnesses only four witnesses have been examined which shows the lingering attitude of the prosecution in producing and examining the prosecution witnesses.

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

5. Considered the aforesaid submissions advanced by the petitioner's counsel and mainly taking into account the petitioner's custody period which has been about four years and one month and also coupled with the lingering attitude of the prosecution in producing and examining the prosecution



witnesses in the trial of the petitioner, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Araria (R.S.) P.S. Case No. 221/ 2020 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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