

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3715 of 2025

Arising Out of PS. Case No.-158 Year-2005 Thana- MASHRAK District- Saran

Ishar Mian @ Izhar Mian Son of Wasir Mian Resident of Village - Harpurjan,
P.S. - Masharkh, District - Saran (Chhapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 233 of 2006 arising out of Masrakh P.S. Case No. 158 of 2005, registered for the offences under Sections 366, 363A and 120B/34 of the Indian Penal Code.

3. As per prosecution case, it is a case of misuse of privilege of bail.

4. Learned counsel for the petitioner submits that the bail bond of the petitioner was cancelled on 28.04.2010 and thereafter the petitioner had been absconding. Learned counsel further submits that petitioner was out of State for earning his



livelihood and he was represented through his lawyer. There is no deliberate laches on the part of the petitioner to avoid trial. Learned counsel for the petitioner undertakes that the petitioner would not misuse the privilege of bail in future and would remain physically present before the learned trial court on each and every date fixed, till disposal of the case, if enlarged on bail. Petitioner is in custody since 22.11.2024.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that from the rejection order it appears that earlier also the petitioner misused the privilege of bail and he was granted bail on 23.12.2009 with condition that the petitioner would physically remain present before the court on each and every date but due to his absence on 07.04.2010, the doctor in the case could not be examined. The trial has been delay for 14 years due to absence of this petitioner.

6. Perused the record.

7. In compliance of the order dated 29.01.2025, a report dated 12.02.2025 has been received from the court of Additional District & Sessions Judge-XII, Saran at Chapra wherein it has been submitted that five witnesses have been examined on behalf of the prosecution till date and the case is



pending for examination of doctor, I.O. and nine other witnesses including the victim. The learned trial court has further submitted that it might take six months for disposal of the case.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the conduct of the petitioner and also considering the submission of the learned trial court that the trial of Sessions Trial No. 233 of 2006 is likely to be concluded within six months, I am not inclined to enlarge the petitioner on bail at this stage.

9. Hence, his prayer for bail is rejected.

10. However, the learned trial court is directed to expedite the trial considering the fact that it is an old matter and trial ought to have been concluded after passage of so much time.

11. Hence, the learned trial court is directed to proceed with the matter and ensure the completion of trial of Sessions Trial No. 233 of 2006 in terms of its undertaking.

12. The Superintendent of Police, Saran is directed to ensure the presence of witnesses on each and every date fixed before the learned trial court considering the fact that it is an old case, failing which the Superintendent of Police, Saran will have to appear in person before this Court and explain his conduct.



13. With the aforesaid observation and direction, the
present petition stands disposed of.

(Arun Kumar Jha, J)

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