

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6987 of 2025

Arising Out of PS. Case No.-70 Year-2022 Thana- MIRGANJ District- Gopalganj

Vijay Sah, S/o Late Namo Sah, R/o Kashim Samail, P.S.-Mirganj, District -
Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 25-08-2025 This is the second successive bail petition of this

petitioner after rejecting of his first payer of bail through Cr.

Misc. No.63943 of 2023 dated 03.01.2024, which was

rejected considering the available merit by one of the learned

co-ordinate Bench of this Court.

2. The accused/petitioner is in custody since

26.02.2022.

3. It is submitted by learned counsel appearing for

the petitioner that still examination of prosecution witness not

appears completed in present case and, therefore, in want of

trial, the petitioner cannot be kept behind the bar for

indefinite period. It is submitted that speedy trial is

fundamental right of petitioner and, therefore, the petitioner



deserves bail on the ground of his custody. In support of his submission, learned counsel has relied upon a legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors vs. Home Secretary, State of Bihar** reported in **(1980) 1 SCC 98**.

4. Learned APP while opposing the prayer of bail submitted that the trial of this case is almost concluded as only one witness, which remains to be examined in present matter is Investigating Officer of this case, who shall be examined positively on next date of hearing.

5. Considering the aforesaid, as trial of this case is at its fag end, accordingly, the prayer of bail of petitioner only on the ground of custody is rejected herewith on second occasion also.

6. The Superintendent of Police, Gopalganj is directed to secure the examination of I.O. of this case positively on next date of hearing.

7. Let a copy of this order be sent to the Superintendent of Police, Gopalganj for its immediate compliance.



8. Considering the progress of trial and the custody period of petitioner, the learned trial court is directed to conclude the trial positively within three months, failing which the petitioner shall be at liberty to renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J.)

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