

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12267 of 2025

Arising Out of PS. Case No.-45 Year-2022 Thana- TATARPUR District- Bhagalpur

Md. Azad @ Md. Azad Alam @ Azad Alam S/o- Late Shami Alam, Resident
of village- Chamelichak P.S.- Habibpur District- Bhagalpur.... ... Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Allama Abdul Quadir Jamal Faridi, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with S.T. No.

94 of 2023 (arising out of Tatarpur P.S. Case No. 45/2022
registered for the offence under Sections 326, 307, 302, 34 of the
Indian Penal Code and Sections 3, 4 5 of the Explosive Substance
Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 07.03.2022.

4. It appears out of submission raised by learned
counsel appearing for petitioner that out of 17 prosecution
witnesses, 16 witnesses now examined and this matter is still
pending for examination of one remaining witness, where
petitioner is in custody since 07.03.2022. It is pointed out that the
speedy trial is fundamental right of petitioner and petitioner could



not be kept behind bar for indefinite period in want of trial.
Reliance was made on **Hussainara Khatoon and Others Vs. Home Secretary, State of Bihar**, reported in **1980(1)SCC 98**.

5. It appears from the perusal of report dated 24.05.2025 as made available from the office of District Additional and Sessions Judge-XI, Bhagalpur, through letter no. 73 that out of 17 witnesses, 16 witnesses examined till date and the request was already made to concerned authority for only remaining examination of witness, who is a doctor. It is further assured through same letter that trial of this case would be concluded within next three months.

6. Considering the aforesaid fact, as trial of this case is at fag end, accordingly, the prayer of bail of the petitioner is rejected herewith for the present.

7. However, if trial is not concluded within three months as of now, petitioner may renew prayer of his bail, if so advised.

(Chandra Shekhar Jha, J)

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