

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20523 of 2025

Arising Out of PS. Case No.-662 Year-2023 Thana- SABAUR District- Bhagalpur

Md. Azaz Alam @ Md. Azad @ Md. Azad Alam S/O Late Md. Nasho @
Nasir Resident of village- Sultanpur Bhatti, P.S.- Sabour, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 02-05-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner seeks bail in connection with S. Tr.
No.908/2024, arising out of Sabour P.S. Case No.662/2023,
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.
3. The Court is not inclined to release the petitioner
on bail for the reason that petitioner had earlier moved this
Court seeking regular bail by filing Cr. Misc. No.83994/2024
and the same was permitted to be withdrawn by an order dated
11.12.2024 with liberty to the petitioner to renew his prayer for
bail after framing of charge.
4. The instant bail application has been filed on the
ground that charges against the petitioner has been framed. It is



further submitted that even the order impugned records that charges have been framed but then the date on which charges were framed is not recorded, it is next submitted that the order by which charges were framed was not annexed with the bail application and at para-14, it was pleaded that after submission of charge sheet, cognizance for offence was taken and by now charges against the petitioner was framed on, as such, the date of framing of charge was also not pleaded in the instant bail application, hence the Court had directed for filing a supplementary affidavit bringing on record the order by which charges have been framed. The learned counsel for the petitioner submits that a second supplementary affidavit has been filed on 29.04.2025, wherein the order framing charge has been annexed. The second supplementary affidavit is not on record but the learned APP submits that the copy of second supplementary affidavit has been served on him and from perusal of the same, it manifests that order framing charge has not been annexed rather an information was sought under the RTI Act with regard to framing of charge and a reply was given that charges have been framed on 09.01.2025. The learned APP submits that it absolutely does not stand to reason that if charges have been framed against the petitioner on 09.01.2025, then



why the said order has not been annexed with the instant bail application. It is also submitted that if second supplementary affidavit has been filed on behalf of the petitioner, in that event, the order framing charge ought to have been brought on record in the second supplementary affidavit but then the order framing charge was not annexed with the second supplementary affidavit which creates doubt that as to whether charges have been framed or not, on which, the learned counsel appearing on behalf of the petitioner submits that this Court can call for the records from the learned trial court to verify that as to whether charges have been framed or not, on which the learned APP submits that if charges have been framed then what prevented the petitioner from obtaining a certified copy, it is further submitted that it absolutely does not stand to reason that why the petitioner sought information under the RTI Act instead of obtaining the certified copy of the order by which charges were framed, which also creates a doubt.

5. The Court is not willing to accede to the prayer of the learned counsel appearing on behalf of the petitioner, if the charges have been framed, in that event, the petitioner ought to have brought the same on record in the instant bail application or by way of second supplementary affidavit, which was filed



on 29.04.2024 but since the order framing charge has not been brought on record, as such, the Court is not inclined to entertain the bail application.

6. The bail application of the petitioner is rejected.

7. However, the same would not preclude the petitioner from filing bail application afresh, if charges have been framed but then the order framing charge shall be annexed with the next application.

(Satyavrat Verma, J)

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