

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29341 of 2024

Arising Out of PS. Case No.-286 Year-2019 Thana- TATARPUR District- Bhagalpur

Md. Jishan Ali @ Zeshan Ali, Son of Md. Nizam, Resident of Village- Din Mohammadpur Lane Near Masjid Narga Bazar, Police Station- Nathnagar, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case has renewed his prayer to obtain regular bail in connection with Sessions Trial No. 155 of 2020 arising out of Tatarpur P.S. Case No. 286 of 2019 registered for the offences punishable under Section 302/34 of the Indian Penal Code and later on Section 120(B) of the Indian Penal Code and Section 27 of the Arms Act was also added. He has got four criminal antecedents and in all the four cases, he is on bail as per paragraph '3' of the application. He is in custody since 17.12.2019.

3. Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 09.07.2021 passed in Cr. Misc. No. 3549 of 2021. The second attempt of the petitioner to



obtain bail in Cr. Misc. No. 70430 of 2021 also failed as this Court rejected the same vide order dated 16.02.2022. While lastly rejecting the prayer for bail of the petitioner, this Court noticed that the trial in this case has already begun and the witnesses were being examined, therefore, his release at this stage had potential to threaten the witnesses in course of trial.

4. As per the prosecution case, the name of the petitioner has come in the confessional statement of the co-accused in police custody.

5. At this stage, the report of the trial court would show that the case is fixed at the stage of appearance as some of the accused were not physically present before the court to ensure further proceeding in the case.

6. The petitioner has already remained in incarceration for more than five and half years.

7. Having regard to the aforementioned circumstances wherein the petitioner has already spent more than five and half years during trial, still trial court is not in a position to give any timeline for the disposal of the trial, this Court is of the opinion that further incarceration of the petitioner in jail would be violative of his Constitutional Right of Freedom, this Court directs that the petitioner above named be released on bail on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- XVI, Bhagalpur in connection with Sessions Trial No. 155 of 2020 arising out of Tatarpur P.S. Case No. 286 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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