

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30695 of 2024

Arising Out of PS. Case No.-83 Year-2021 Thana- SHRI NAGAR District- Madhepura

Md. Shah Alam S/o Md. Tamjid R/o Village- Pokharia, Ward No. 08, P.S-
Srinagar, Distt.- Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bambahadur Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for regular bail in connection with Srinagar P.S. Case No. 83 of 2021 registered for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code. He is in custody since 23.08.2021. The petitioner has got no criminal antecedent.

3. It appears from the record that earlier the prayer for bail of the petitioner was rejected vide order dated 16.12.2022 after noticing that he is husband of the deceased and the death has taken place within one and a half year of the marriage. This Court has taken note of the submission that the death had taken place at the parental house of the deceased.



4. While directing the learned trial court to expedite the trial and make all endeavours to conclude the trial within a period of nine months, this Court granted liberty to the petitioner to renew prayer for bail if the trial is not concluded and there is no effort on his part for delaying the trial.

5. From the report dated 5th of August, 2024 received from the learned trial court, it is noticed that eight prosecution witnesses have already been examined earlier but thereafter the accused filed an application under Section 311 CrPC/348 BNSS for recall of the prosecution witnesses for further cross-examination.

6. Learned counsel for the petitioner submits that the case is still fixed for cross-examination of the prosecution witnesses on recall.

7. Having noticed that the liberty was granted to the petitioner to renew the prayer for bail on the condition that there is no effort to delay the trial from his side but the report of the trial court indicates that the trial is being delayed because of the application filed by the defence lawyer to recall the prosecution witnesses for further cross-examination, this Court is not inclined to enlarge the petitioner on bail.

8. The learned trial court is expected to conclude the trial without granting unnecessary adjournment as early as



possible. If for any reason not attributable to the petitioner the trial is not concluded within a period of six months from today, he may renew his prayer for bail. If the application under Section 311 CrPC/348 BNSS has been allowed by the trial court, the prosecution witnesses must appear on the date fixed in the matter failing which the trial court shall pass an appropriate order in accordance with law and proceed to close the trial.

9. This application is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

