

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28330 of 2025

Arising Out of PS. Case No.-251 Year-2021 Thana- ALAMGANJ District- Patna

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Banti @ Abid @ Md. Abid, S/o- Md. Nasim, Resident of - Pirbaish , Agarwal
Tola , P.O- Guljarbagh , P.S - Alamganj , Dist - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Munish Kumar, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-05-2025 Heard Mr. Munish Kumar, learned counsel for the

petitioner and Mr. Vinod Shanker Modi, learned APP for the

State.

2. Petitioner seeks regular bail in connection with
Alamganj P.S. Case No. 251 of 2021 dated 22.04.2021
registered for the offence punishable under section 302 read
with section 34 of the Indian Penal Code.

3. The main submissions advanced by petitioner's
counsel are that this is the third attempt of the petitioner to get
the relief of bail and his last prayer for the same relief was
rejected by this Bench vide order dated 28.06.2024 passed in Cr.
Misc. No. 24896/2024 and the fresh grounds taken by the
petitioner for the relief of bail are his long incarceration period
which has been about 3 years and 11 months and secondly, no
chance of conclusion of his trial in near future as out of 10



prosecution witnesses, only 2 prosecution witnesses have been examined till date and the charges were framed upon him on 19.08.2023 and thereafter, 40 dates were given by the trial court for producing the prosecution witnesses but in the said long period of trial, only 2 prosecution witnesses were produced and examined by the prosecution which shows the lingering attitude of the prosecution.

4. Learned APP for the State has opposed the bail prayer of the petitioner but fairly accepts that there is no significant progress in the trial of the petitioner.

5. Heard both the sides and perused the relevant material. Though there is serious allegation against the petitioner but considering his custody period which has been about 3 years and 11 months as well as slowness on the part of the prosecution in producing and examining the prosecution witnesses as out of 10 chargesheet witnesses, only 2 prosecution witnesses have been examined, so far, in 40 dates of petitioner's trial, as stated above, in my opinion, in the said circumstances, the petitioner now deserves to the relief of bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in



connection with Alamganj P.S. Case No. 251 of 2021, on the following conditions :-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(ii) If the petitioner tampers with the evidence or the witnesses then the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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