

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47755 of 2025

Arising Out of PS. Case No.-349 Year-2021 Thana- SHIVSAGAR District- Rohtas

Izhar Khan S/o Late Gafoor Khan R/o Village- Kaithi, P.S.- Sheosagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-07-2025 Heard Mr. Ashwani Kumar Tiwary, learned counsel for the Petitioner and Mr. Binod Kumar No. 3, learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 131 of 2023 arising out of Shivsagar P.S. Case No. 349 of 2021 dated 13.11.2021 registered for the offences punishable under Sections 147, 148, 149, 302, 323, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by petitioner's counsel are that this is third attempt of the petitioner to get the relief of bail and the main grounds for renewing the prayer for bail are petitioner's long custody period which has been about 3 years 7 months and secondly, no significant progress in his trial as during 19 dates given to the prosecution to produce the witnesses



after the framing of charges only two prosecution witnesses out of six chargesheet witnesses have been examined till date and the last prosecution witness was examined on 28.8.2024 and thereafter, there is no progress in the trial. It is further submitted that while deciding Cr. Misc. No. 83900 of 2023 filed by the petitioner for the relief of bail, this court observed that if no significant progress is made in the petitioner's trial then the petitioner may renew his prayer, so, in the light of this liberty, the petitioner has renewed his prayer.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Heard both the sides and perused the relevant materials. Though against the petitioner, there is serious allegation however considering his present custody period which has been about 3 years 7 months and mainly the prosecution's lingering attitude in producing and examining the prosecution witnesses as stated above, this court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 131 of 2023 arising out of Shivsagar P.S. Case No. 349 of 2021 on the following conditions:-



(1) 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.

(2) If the petitioner tampers with the evidences or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

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

(Shailendra Singh, J)

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