

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56314 of 2024

Arising Out of PS. Case No.-948 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Akhtar @ Md. Akhtar Hussain Son of Shamim R/V- BHALUHIPUR,
P.S.- ARA TOWN, DISTT.- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Krishna, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 26-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Let the certified copy of the order sheet be kept on
record.

3. This application is filed for grant of regular bail in
connection with S.T. No. 457 of 2023 arising out of Ara Town
P.S. Case No. 948 of 2022 registered for the offence punishable
under sections 302, 120(B)/34 of the Indian Penal Code and
under section 27 of the Arms Act.

4. This is the second attempt for bail of the petitioner.
Earlier the prayer for bail of the petitioner was rejected by a Co-
ordinate Bench of this Court vide order dated 22.05.2023
passed in Cr. Misc. No. 17180 of 2023.

5. As per the prosecution case, one Vicky was shot



dead by three unknown persons at the place of occurrence. During investigation the name of the petitioner and other accused persons have come.

6. Learned counsel for the petitioner submits that the petitioner is in jail since 21.11.2022 and in the trial, charge was framed on 04.06.2024, but thereafter not even a single witness has been examined by the prosecution.

7. This Court had earlier called for a report from the Superintendent of Police, Bhojpur at Ara about the delay in trial. The S.P. had reported that the witnesses have shifted to Bangalore and they are ready to appear in the trial. Thereafter today, the learned counsel for the petitioner has produced the entire certified copy of the order sheet. From the order sheet, it appears that the trial is pending for the appearance of the witnesses and not even a single witness has appeared in the trial. On 10.07.2025, one application was filed on behalf of the informant that the informant and his family members are ready to depose in the trial but as they apprehend threat to their life, they want protection. The learned Trial Judge directed the S.H.O. Nawada, Ara to produce the witness in police protection. Thereafter, the witnesses have not appeared. On 18.09.2025 again an application has been filed on behalf of the informant



with a new Advocate.

8. From the facts stated above, it is clear that though in the trial, charge has been framed on 04.06.2024, but the witness are avoiding appearance despite the fact that the trial judge had directed the S.H.O. to provide police protection to the informant and his family members but thereafter also they have not appeared. The right of speedy trial is also available to the accused and not only the victim. Similarly situated co-accused namely Md. Amir had been granted bail by a Co-ordinate Bench of this Court vide order dated 22.05.2023 passed in Cr. Misc. No. 17180 of 2023 and also another similarly situated co-accused namely Md. Timal had been granted bail vide order dated 07.07.2023 passed in Cr. Misc. No. 37869 of 2023.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. Considering the period of custody of the petitioner, delay in trial and similarly situated co-accuse have been granted bail, the prayer for bail of the petitioner is allowed.

11. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XIII,



Bhojpur at Ara/concerned Court below in connection with S.T.
No. 457 of 2023 arising out of Ara Town P.S. Case No. 948 of
2022 subject to the conditions:-

- (i) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bond of the petitioner.*
- (ii) The petitioner is directed to mark his attendance in Ara Town Police Station on every Sunday of each month. Failure to do so, will result in cancellation of bail bonds of the petitioner.*
- (iii) Both the bailors will be close blood relative of the petitioner.*

(Sandeep Kumar, J)

tusharika/-

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

