

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68129 of 2024

Arising Out of PS. Case No.-46 Year-2022 Thana- BALIA BELON District- Katihar

Subhan @ Md. Subhan Alam S/o Late Atabul @ Late Ataur Rahaman R/o
village - Salmari, Sombari Hatia, P.S. - Azamnagar (Salmari O.P.), Dist. -
Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md. Qumrul Hoda, Advocate
For the Opposite Party : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-01-2025 Heard learned counsel appearing on behalf
of the petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with
Balial-Belon P.S. Case No. 46 of 2022 (Sessions Trial
No. 723/2023) registered for the offences under
Sections 302 & 120(B)/34 of the Indian Penal Code,
pending in the court of learned Additional Sessions
Judge-V, Katihar.

3. The petitioner is named in the First
Information Report and is in custody since
01.05.2022.

4. Allegation against petitioner is to commit
murder of son of the informant alongwith other
accused persons out of previous enmity arising out



of certain business activities.

5. It is submitted by learned counsel appearing on behalf of the petitioner that informant is not an eye witness of the occurrence and out of two prosecution witnesses namely, Dilwar and Md. Maha Alam, who claimed to be an eye witness of the occurrence through F.I.R., Md. Maha Alam categorically denied during trial that he was not the eye witness of the occurrence, making case of prosecution *prima-facie* false on its face.

6. It is submitted that petitioner is not a man of criminal antecedent and, moreover, trial is not likely to be conclude in near future as out of ten (10) prosecution witnesses only five (5) prosecution witnesses were examined till date.

7. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that the thrust of allegation is available against this petitioner who stabbed the son of the informant while he was caught hold by other accused persons namely, Purshottam Rai, Karan Rai and Noor Navi. It is submitted by learned A.P.P.



that post-mortem report of deceased duly corroborate with manner of assault as alleged.

8. A report was also called for from the learned trial court regarding present stage of the trial which made available to this Court through letter No. 358/2024 dated 30th September, 2024, which suggests that out of ten (10) prosecution witnesses, five prosecution witnesses were examined till date and, by all probabilities, trial may likely to be concluded within one year.

9. In view of the aforesaid factual submission as specific allegation to cause fatal blow to the deceased son of the informant is available against the petitioner, which also appears *prima-facie* corroborated with post-mortem report, the prayer of bail of the petitioner is rejected herewith.

10. However, considering the custody period, learned trial court is directed to conclude the trial in terms of aforesaid letter preferably within next ten (10) months as of now.



Rajeev/-

(Chandra Shekhar Jha, J.)

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