

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84380 of 2024

Arising Out of PS. Case No.-879 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Md. Nadeem @ Nadeem Ahmad @ Guddu @ Md. Nadeem Ahmad Guddu
S/O Md. Murshid Alam @ Murshid Alam @ Md. Murshid R/O Village-
Jhitkia (Jhitkiya) Ward No. 06 Jajhat, P.S- Singheshwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Budhilal Yadav, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-02-2025 Heard learned counsel appearing on behalf of the parties.

2. The present petition is the third attempt for bail of the petitioner, where his first attempt of bail was rejected through Cr. Misc. No. 71530 of 2022 dated 11.04.2023 by considering all available merit. Subsequently, the petitioner preferred the second bail petition, which was also rejected through Cr. Misc. No. 83120 of 2023 dated 23.02.2024, wherein this Court directed learned trial court to conclude the trial within six months positively, failing which the petitioner will be at liberty to renew his prayer for bail.

3. The accused/petitioner is in custody since 21.11.2021.

4. In view of aforesaid, on the exclusive note of delayed



trial and custody period, the present third petition of bail was pressed.

5. Arguing further, learned counsel appearing for the petitioner submitted that petitioner in want of trial cannot be kept behind bar for indefinite period of time, in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hussainara Khatton and Ors. Vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81: 1980 SCC (Cri) 23***. It is submitted that the speedy trial is a fundamental right and same cannot be denied to this petitioner, who is languishing in custody since 21.11.2011.

6. Considering the custody period, a report was called for from the learned trial court vide order dated 18.01.2025 of this Court, which now made available through letter no. 5 dated 10.02.2025 as send by District and Additional Sessions judge-IIrd, Saharsa, wherein it appears that only charge in this case was framed, where the examination of prosecution witnesses is yet to start.

7. Considering the report of learned trial court and also the submission as advanced by learned counsel appearing for the petitioner, where the petitioner is in custody since 21.11.2021 and even not a single prosecution witness appears examined,



accordingly, petitioner above named, is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 879 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Saharsa/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480(3) of BNSS, with further conditions that:-

(i) Accused/Petitioner shall cooperate in the trial and if the petitioner found delaying the trial intentionally, the bail bond of petitioner shall liable to be cancelled, if pressed by prosecution.

(ii) Accused/Petitioner shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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