

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78133 of 2025

Arising Out of PS. Case No.-405 Year-2021 Thana- BASANTPUR District- Siwan

=====

Ibrahim Dhobi @ Ibrahim @ Ibrahim Hawari, son of Khush Mohammad ,
R/o Village- Shekhpura, P.S. -Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Shahrukh Khan, Adv.

Ms. Savita Ali, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-11-2025 Heard Mr. Md. Shahrukh Khan, learned counsel for

the petitioner and Mr. Binod Kumar No. 3, learned APP for the

State.

2. Petitioner seeks regular bail in connection with

Basantpur P.S. Case No. 405 of 2021 dated 17.09.2021

registered for the offences punishable under sections 302 and

120B 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 (second) attempt for the same relief

was rejected by this Bench vide order dated 30.08.2024 passed

in Cr. Misc. No. 31867/2024, giving the direction to the trial

court to conclude the petitioner's trial as per the direction dated

23.08.2024 given in Cr. Misc. No. 28249/2024, but even then



the petitioner's trial despite passing of more than 15 months, has not been concluded, though the same is running for defence evidence but there may be an inordinate delay in completion of the petitioner's trial on account of large number of the accused persons, who are 11, and the defence evidence is to be given by each of them. It is further submitted that out of the 11 accused persons, five have been granted bail and the nature of the allegation against this petitioner in the FIR is similar to that against the accused persons, who are on bail. It is further submitted that the release of the petitioner on bail at this stage will not affect the prosecution in any manner as the material witnesses of the prosecution have already been examined and further, till now there is no allegation of misuse of the privilege of bail against the five co-accused persons who are on bail, so, the same conduct may be presumed on the part of the petitioner after his release on bail. It is lastly submitted that in the FIR there is no specific allegation against the petitioner and he has been languishing in jail since 07.12.2021, having no criminal antecedent.

4. Learned APP for the State has opposed the prayer of the petitioner and submits that the trial of the petitioner is at the verge of end and at this stage, releasing the petitioner on bail



may affect the trial as there is possibility of misuse of the privilege of bail by him.

5. Heard both the sides and perused the relevant materials. Though the instant matter relates to the serious offence and the petitioner's trial is also at the final stage but considering the lethargical attitude of the trial court in concluding the petitioner's trial despite giving specific direction to conclude the same at the earliest in the previous orders and the same is still running for recording the defence evidences and in this matter, there are altogether 11 accused persons and according to petitioner's counsel, each of them will be defence evidence and also taking into account the petitioner's above submission with regard to the non-misuse of the privilege of bail by the co-accused persons who have already been granted bail as well as the fact that there is no specific allegation against the petitioner in the FIR, in my opinion, in the said circumstances, a lenient approach can be taken in respect of the petitioner's present prayer. Accordingly, let the petitioner named-above be released 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 court concerned in connection with Basantpur P.S. Case No. 405 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. He shall remain physically present as directed by the trial court and in case of his absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the trial court.

(ii) If the petitioner tamper with the evidence or influence the witnesses, then the prosecution shall 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 in an affidavit in the present miscellaneous petition.

(Shailendra Singh, J)

annu/-

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

