

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83102 of 2024

Arising Out of PS. Case No.-235 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

Md. Ismail Son of Md. Ibrahim Resident of Village - Sirnia Golagat Nahar,
P.S. - Muffasil, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 21-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.12 of 2021 (arising out of Muffasil P.S. Case no.235 of 2020) registered under section 302 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter, who was married to the petitioner herein, was assaulted by her husband. She expressed her apprehension that she would be killed. He received information of her having been killed. He is convinced that her husband is responsible for killing her by assaulting her as a result of which she sustained internal injuries.

4. Learned counsel for the petitioner submits that the earlier prayer for bail was rejected vide order dated 24.4.2024



passed in Cr. Misc. no.14225 of 2024 giving liberty to the petitioner to renew his prayer for bail after six months in case there is no substantial progress in the trial in the learned trial Court. Inspite of the petitioner having remained in custody since 30.10.2020, the trial is not proceeding and there is no chance of the same concluding in the near future. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 18.2.2025, out of the six prosecution witnesses named in the chargesheet, only one prosecution witness has been examined.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner, the liberty granted in the earlier order of rejection dated 24.4.2024, the petitioner having remained in custody for more than four years since 30.10.2020 and the report received with respect to stage of the trial, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.12 of 2021 (arising out of Muffasil P.S. Case no.235 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge V, Katihar on the following conditions:

- (i) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.
- (ii) In case of the petitioner’s absence on any date for reasons not to the satisfaction of the learned trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Saurabh/-

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

