

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82777 of 2024

Arising Out of PS. Case No.-199 Year-2023 Thana- NOORSARAI District- Nalanda

Md. Israil @ Israil Son of Md. Jalaluddin Resident of Village - Andhana, P.S.
- Noorsarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with,
S.Tr. No. 42/2024 arising out of Noorsarai P.S. Case No.
199 of 2023 registered for the offences punishable under
Section 392 of the IPC, thereafter charge has been framed
under Section 395 and 412/34 of the IPC.

3. As per prosecution case, three unknown persons
are said to have concertedly looted E-Rickshaw and mobile
phone of the informant and fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that
on 31.01.2024 the bail prayer of the present petitioner has



already been rejected on merit by this Court vide Cr. Misc. No. 3671 of 2024 with an observation that trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, petitioner may renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after nine months from the date of earlier rejection of bail prayer for the petitioner. Learned counsel has submitted today that pace of trial is very slow as only witness has been examined as yet and same has been declared hostile. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 08.06.2023 which is near about one and a half year. He further submits that petitioner bears criminal antecedent of five cases in which he is already on bail in all the cases.

5. The learned A.P.P. for the State submits that bail prayer of the petitioner has already been rejected on merit but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is



not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 56 of 2024 has sent its report which reveals that case is pending for prosecution witness.

7. Considering the facts and circumstances of the case, period of custody, trial is not likely to be concluded in near future and delay of trial is not attributable to the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Nalanda at Bihar Sharif in connection with S.Tr. No. 42 of 2024 arising out of Noorsarai P.S. Case No. 199 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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