

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80289 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- BALRAMPUR District- Katihar

Md. Iqbal S/O Jamshed Alam R/O Village- Pothra, P.O- Telta, P.S- Balrampur
(Telta OP), Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 88314 of 2024

Arising Out of PS. Case No.-84 Year-2023 Thana- BALRAMPUR District- Katihar

Md. Afzal @ Afzal S/O Jamshed Alam @ Md. Jamshed Village- Pothra P.O.-
Telta, P.S.- Balrampur (Telta O.P.), District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 80289 of 2024)
For the Petitioner/s : Mr.Samrendra Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For the Informant : Mr. Helal Ahmad, Advocate
(In CRIMINAL MISCELLANEOUS No. 88314 of 2024)
For the Petitioner/s : Mr.Samrendra Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For the Informant : Mr. Helal Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-02-2025 Heard learned counsel for the petitioners; learned
counsel for the informant and learned APP for the State.

3. This is the second attempt on behalf of the
petitioners for grant of bail in connection with Balrampur (Telta
OP) P.S. Case No. 84 of 2023 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.



2. Earlier, the prayed for bail of the petitioners was rejected vide orders dated 10.04.2024 and 19.03.2024 passed in Cr. Misc. Nos. 86061 of 2023 and Cr. Misc. No. 84743 of 2023 respectively.

4. A report with regard to the stage of trial has been sent by the trial Judge, from which, it appears that out of twelve witnesses, four witnesses have been examined.

5. Learned counsel for the petitioners submits that the last witness was examined on 28.10.2024 and thereafter no witness has been examined. The petitioners are in jail since 27.06.2023.

6. Learned counsel for the informant submits that some witnesses are not ready to depose and therefore they are not appearing before the trial Judge and on account of the same, the trial has been delayed. He further submits that he is ready to get the trial concluded within two months.

7. I have considered the submission of the parties.

8. It is not in dispute that the petitioners are in jail for more than one and a half years and the last witness was examined on 28.10.2024. Thereafter, the prosecution has neither produced a witness nor has filed any application about tendering some of the witnesses.



9. The accused also has a right to speedy trial. He cannot be kept inside jail indefinitely because the prosecution chooses not to examine the witnesses.

10. In view of the above, these applications are allowed.

11. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Katihar/concerned Court in connection with Balrampur (Telta O.P.) P.S. Case No. 84 of 2023.

12. As a condition of this order, the petitioners, after being released on bail are directed to co-operate in the trial either by appearing personally or through their lawyer in the trial Court on each and every date fixed by the trial Court. Noncompliance of the condition will result in cancellation of the bail bonds of the petitioners.

(Sandeep Kumar, J)

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