

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31638 of 2017

Arising Out of PS.Case No. -61 Year- 2014 Thana -MAGADH UNIVERSITY District- GAYA

=====

1. Umesh Manjhi, son of Late Bandhu Manjhi, Resident of Village- Arjun Bigha, P.S.- Magadh University, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sri Narsingh Tanti (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-08-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail, which was earlier twice rejected vide order dated 18.01.2016 and 14.12.2016 passed in Cr. Misc. 47868 of 2015 and Cr. Misc. No. 53670 of 2016 respectively, on the ground that the petitioner is suffering in custody since 20.08.2015, having no criminal antecedent, up till now no prosecution witness has been examined and in near future the trial is not likely to be concluded. No offence under Section 302 of the I.P.C. is made out and at best it can be a case under Section 304 part II of the Indian Penal Code. There was direction to conclude the trial within six months but from the report it reveals that up till now no prosecution witness



has been examined and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submit that up till now no prosecution witness has been examined and the petitioner was given liberty to renew his prayer for bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Sessions Judge-III-cum-Special Judge SC/ST Act, Gaya, in connection with Magadh University P.S. Case No. 61 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

