

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53696 of 2016

Arising Out of PS.Case No. -20 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Pramod Mandal son of Bonki Mandal, resident of Village- Naya Tola, Police Station- Madhusudanpur, District- Bhagalpur.
 2. Madan Mandal son of Saudagar Mandal, resident of Village- Tintenga Simaria, Police Station- Gopalpur (Rangra), District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-03-2017 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case, initially, registered for the offences punishable under Section 395 of the Indian Penal Code and later on, Section 412 of the Indian Penal Code was added.

Earlier the prayer for bail of the petitioners was rejected by this court vide order dated 02.11.2015 passed in Cr. Misc. No. 30409 of 2015 and analogous cases.

The name of petitioners came in the statement of co-accused, Sunil Pathak, who was caught on the spot just after the alleged occurrence and, thereafter, the petitioners were arrested



and it is alleged that looted money was recovered from their possession.

Submission on behalf of the petitioners is that petitioners are in jail custody since 11.02.2015 but up till now, their trial could not be concluded and as per trial court report, only four witnesses have been examined and still near about eight proposed prosecution witnesses have been left to be examined and, therefore, the aforesaid fact goes to show that there is no possibility of conclusion of trial of the petitioners in near future. It is also submitted that earlier co-accused, Sunil Pathak, who was arrested on the place of occurrence, came before this court for getting relief of bail but this court rejected his prayer giving direction to trial court to conclude the trial of aforesaid co-accused, Sunil Pathak within a period of six months but even thereafter, the trial of co-accused, Sunil Pathak has not been concluded.

On the other hand, learned Public Prosecutor submits that petitioners do not have any fresh ground on the basis of which their prayer for bail could be renewed.

Admittedly, petitioners were not caught on the spot and their name was disclosed by co-accused, Sunil Pathak, who was caught on the spot. However, it is said that looted money was



recovered from possession of the petitioners for which petitioners are in jail custody since 11.02.2015. The report of trial court goes to show that there is no possibility of conclusion of trial of the petitioners in near future.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners 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 Additional Sessions Judge-VI, Bhagalpur in connection with Sessions Trial No. 529 of 2015 arising out of Jagdishpur P.S. Case No. 20 of 2015.

(Hemant Kumar Srivastava, J)

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