

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47045 of 2016

Arising Out of PS.Case No. -88 Year- 2012 Thana -BUXAR INDUSTRIAL District- BUXAR

=====

Manandra Shukla @ Manji @ Mahendra Shukla S/o Late Uday Narayan
Sukla Vill- Sukilpipra, P.S.- Mohinia, Distt- Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Parmanand Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 08-03-2017 Heard Sri Shekhar Singh , learned counsel assisted by

Sri Satyendra Rai, learned counsel for the petitioner and learned

Additional Public Prosecutor.

This is second attempt for grant of bail on behalf of the
petitioner in Buxar (Industrial Area) P.S. Case No. 88 of 2012
corresponding to Sessions Trial No. 172 of 2013 registered for the
offence under Sections 364, 34, 302 of the Indian Penal Code. The
petitioner, who is in custody since 28.4.2014 had earlier prayed
for grant of bail vide Cr. Misc. No. 10869 of 2015. Considering
the fact that most of the prosecution witnesses had already been
examined this court by its order dated 13.10.2015 rejected the
prayer for bail however while dismissing prayer for bail this court
observed that the learned trial court may take appropriate steps so



that trial may come to its logical end without unnecessary delay. After filing of the present petition by order dated 8.2.2017 report was called for from the court below regarding stage of the case which has been received and kept at flag 'A'. The report dated 14.2.2017 sent by learned trial judge makes it clear that out of 13 prosecution witnesses till the date of report 9 prosecution witnesses had already been examined. Learned counsel for the petitioner points out that on earlier occasion while prayer for bail of the petitioner was being considered till the date of earlier order seven witnesses were examined. According to him even after about two years the prosecution despite direction of this court for early disposal of the trial had produced only two witnesses meaning thereby that in the trial the prosecution is not taking appropriate steps for disposal of the case .

Learned Additional Public Prosecutor though has opposed the prayer for grant of bail he was not in a position to dispute the fact that from the date of last rejection of prayer for bail the case has hardly proceeded for its early disposal.

From earlier order dated 13.10.2015 it is evident that learned counsel for the petitioner informed that in this case save and except petitioner all other accused persons were granted bail.

Considering the facts and circumstances that despite



specific direction for early disposal of the case trial has not proceeded for its early disposal as evident from the report , the court is of the opinion that there is no reason to further detain the petitioner.

Let the petitioner Manandra Shukla @ Manji @ Mahendra Shukla be enlarged on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ V, Buxar / concerned court in connection with Buxar (Industrial Area) P.S. Case No. 88 of 2012, Sessions Trial No. 172 of 2013 with condition that one of the bailors must be blood relation of the petitioner and during trial on each and every date the petitioner shall remain physically present . If continuously on two dates without prior permission of the trial court petitioner remains absent his bail bond shall stand automatically cancelled.

(Rakesh Kumar, J)

Praful/-

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

