

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15601 of 2018

Arising Out of PS. Case No.-37 Year-2016 Thana- HARLAKHI District- Madhubani

Shankar Kumar Mandal, Son of Mahendra Mandal, R/o Ward no.1 Nagaria,
P.S.- Jathi, Distt- Dhanusa (Nepal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – 1

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail, which was
rejected vide order dated 21.06.2017, passed in Cr. Misc. No.
17439 of 2017.

Petitioner is languishing in judicial custody since
18.03.2016 in connection with Sessions Trial No. 357 of 2016,
GR No. 172 of 2016, arising out of Harlakhi P.S. Case No. 37 of
2016 for offences punishable under Sections 457, 382 and 302
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner entered the house of the informant to commit
theft and while fleeing away the family members of the
informant caught hold of him and started creating hulla, on



which the husband of the informant was pushed by the petitioner, as a result he became senseless and later succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the petitioner was himself beaten by the family members and the villagers. He submits that he is languishing in custody for nearly two and half years and trial has not made much progress.

Learned APP for the State, however, submits that the petitioner was caught red-handed and the informant was an eye-witness to the alleged occurrence.

In this regard, a report was called for from the Court of learned First Additional Sessions Judge, Madhubani, who has sent a report dated 04.08.2018 about the stage of trial and has stated that only two prosecution witnesses, out of 9 have been examined and six months time would be required for conclusion of trial, if all parties cooperate.

Considering the facts and circumstances and that the trial has not made much headway and the petitioner is languishing in judicial custody for nearly two and half years, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist, Madhubani in



connection with Sessions trial No. 357/2016, arising out of Harlakhi P.S. Case No. 37/2016, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

Rajesh/Pragya

(Nilu Agrawal, J)

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