

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5825 of 2018

Arising Out of PS.Case No. -244 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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Manjay Kumar Sah @ Manjay Kumar, S/o Vijay Sah, R/o Village- Mirchai
Patti, Ward No. 9, P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the informant : Mr. Mahendra Thakur, Advocate.

Mr. Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-04-2018 Heard learned counsel for the petitioner and the State.

Prayer for bail of the petitioner was earlier rejected by
this Court vide order dated 23.03.2017 passed in Cr. Misc. 36077
of 2016 with liberty to renew his prayer for bail after six months,
if no substantive progress is made in the case.

Learned counsel for the petitioner has submitted that
petitioner is in custody since 29.05.2016.

A report was called for from the court below about
current stage of the case which has been received. From the
report it appears that eight prosecution witnesses have been
examined and the case is pending for evidence of I.O. and
remaining chargesheet witnesses. It is also mentioned in the



report that after examination of informant (PW-8), petition under Section 319 Cr. P.C. has been filed on behalf of the prosecution on 16.01.2018 and rejoinder was filed on 31.01.2018. The case was fixed on 17.02.2018 for hearing on petition under Section 319 Cr. P.C. This Court has mentioned in the earlier order that viscera report has been received in sealed cover, which was opened in Court. In the viscera Report, it has been mentioned that Aluminium Phosphate was detected in the sample, which is commonly known as Celphos.

In such circumstances, it appears that there is no laches on the part of the petitioner in cooperating the court below to dispose of the case within nine months. In fact, the prosecution has filed petition under Section 319 Cr. P.C. which is pending.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail of the petitioner.

Keeping in view the period spent by the petitioner in custody, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 F.T.C. IInd, Sitamarhi, in connection with Sessions Trial No. 499 of 2016 arising out of Sitamarhi P.S. Case No. 244 of 2016, subject to the condition that



both the bailors will be the close relatives of the petitioner.

The petitioner is directed to remain physically present in court on each and every date of trial and any two subsequent defaults will result in cancellation of bail bonds in the court below.

S.Ali/-

(Sanjay Priya, J)

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