

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23919 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- BANMANKHI District- Purnia

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1. RANJAN MANDAL SON OF SATYENDRA MANDAL
 2. SANTOSH MANDAL SON OF BHOLA MANDAL
 3. CHANDAN MANDAL SON OF BHOLA MANDAL
 4. ANJAN SINHA SON OF LATE DINESH PRASAD SINHA
 5. MITHU SINHA SON OF ANJAN SINHA
- All R/O VILLAGE- PIPRA, P.S.- BANMANKHI, DISTRICT- PURNEA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. (Dr.) Bidhu Ranjan, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Mallick, Advocate
	Mr. (Dr.) Kumar Uday Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

9 25-10-2021 Heard learned counsel for the parties.

Petitioner no.5 seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 379, 302, 506, 120(B) of the Indian Penal Code.

Vide order dated 03.05.2021, petitioner nos.1 to 4 were granted bail and case diary was called for with regard to petitioner no.5.

Later on, vide order dated 05.08.2021, a report was called for with regard to the stage of the trial from the court below. Report of the court below has come and has been marked as “Z” in which, it has been stated that charges has been framed

on 04.01.2020 against five accused persons and later on out of ten charge-sheet witnesses, two independent witnesses have been examined and due to 2nd wave of Covid-19, no witness is being produced and case is fixed for prosecution evidence. It is also stated that if parties co-operate, one year time will be required for completing the trial of this case, after court starts functioning on physical mode.

It is submitted on behalf of petitioners that there is dispute and litigation between the families and deceased died in an accident and taking advantage of which false and concocted case has been instituted against petitioners.

It is submitted that petitioner no.5 is in custody since 27.08.2020 and he is having clean antecedent.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the **petitioner no.5, Mithu Sinha**, be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with sessions trial no.174 of 2020 arising out of Banmankhi P.S. Case No.216 of 2020 with following conditions:-

(1) Bailors should be local having sufficient

immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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