

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2567 of 2021**

Arising Out of PS. Case No.-22 Year-2019 Thana- AMDABAD District- Katihar

MANI RAM PAL @ KALU PAL, Son of Late Jagdish Pal, Resident of  
Village- Pal Tola, Amdabad, P.S.- Amdabad, Distt- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. A.G

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      03-03-2021                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

The petitioner has renewed his prayer for bail in connection with Amdabad P.S. Case No. 22 of 2019 registered under Section 376 of the Indian Penal Code.

As per allegation in the first information report, the petitioner is stated to have committed rape on the informant.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 31.7.2019 (Annexure 1) passed in Cr. Misc. No. 25268/2019. It is further submitted that from perusal of the first information report itself, it would transpire that at the alleged place and time of occurrence, even as per the prosecution case, the husband and father of the informant were just outside the place of occurrence while she accompanied by



her mother-in-law had gone inside for treatment. It is submitted that the petitioner is in custody since 03.02.2019 and inspite of the charge having been framed on 25.10.2019, there is no progress in the trial with not a single witness on behalf of the prosecution having been examined.

The application for bail is opposed by learned A.P.P. for the State.

A report was called for with respect to the stage of the trial from the learned court below and the same has been received. As per the report, charge was framed in the case on 25.10.2019 and till date not a single prosecution witness has been examined although there are 8 chargesheeted witnesses.

In view of the facts and circumstances of the case and specially in view of the period in custody, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Amdabad P.S. Case No. 22 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1<sup>st</sup>, Katihar.

In view of the fact that the trial has commenced, it is directed that the petitioner shall remain personally present in



Court on each date of the trial and in case the learned court below is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, learned court below will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Spd/-

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