

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67281 of 2021**

Arising Out of PS. Case No.-322 Year-2019 Thana- NAYA RAM NAGAR District- Munger

BISHO MANDAL @ BISHAKHA MANDAL @ BISHOKHA MANDAL,
Son of Late Mannu Mandal, Resident of Village- Naugachi, Bajarangbali
Nagar, P.S.- Naya Ram Nagar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-12-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Manoj Kumar, learned A.P.P. for the State.

This is the 3rd attempt of the petitioner to obtain bail in connection with Naya Ram Nagar P.S. Case No.322/2019 registered for the offences punishable under Sections 25(1-A), 25(1-AA), 25(1-b), 26(i)(ii) of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected vide order dated 10.03.2021 passed in Cr.Misc.No.5057 of 2021 with an observation that in case the trial is not concluded within six months for no reason attributable to the



petitioner, he may renew his prayer for bail.

Learned counsel for the petitioner submits that the aforesaid observation was made on the basis of the report of the learned trial court saying that the trial is likely to be concluded within six months.

In course of argument, learned counsel has produced the entire certified copy of the order-sheets recorded up to 07.09.2021. It shows that after recording of evidence of the prosecution witness lastly on 01.04.2021 no further progress has been made and the records have been kept from one date to another citing covid-19 as a reason for not taking up the case.

Learned APP for the State submits that apparently the covid-19 situation has not permitted the case to progress and, therefore, some more time may be allowed to the learned trial court to conclude the trial.

Considering the materials placed before this Court and the kind of observations recorded in the order dated 10.03.2021 earlier by this Court, this Court is of the considered opinion that the learned trial court must proceed with the matter, keeping the records on shorter dates and all endeavours be made to conclude the trial as early as possible preferably within a period of four months from the date of communication of this



order.

If the trial still remains unconcluded for no reason attributable to the petitioner, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Munger in connection with G.R. No.3114/2019 arising out of Naya Ram Nagar P.S. Case No.322 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

