

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1801 of 2022

Arising Out of PS. Case No.-130 Year-2017 Thana- ANDHRAMATH District- Madhubani

BIDYA NAND MANDAL Son of Late Shankar Mandal Resident of Village -
Bajooban, P.S.- Andhramath, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 23-03-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 329/2018 arising out of Andhramath P.S.

Case No. 130 of 2017 instituted for the offences under

Sections 147, 148, 149, 341, 323, 307, 427 and 506 of the

Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier

thrice rejected; twice by the Hon'ble Mr. Justice Sanjay Priya

as he then was vide orders dated 4.10.2018 and

19.06.2019 but with a direction to the Trial Court to

expedite the trial and conclude the same within a period of



six months from the date of receipt of a copy of the order. When nothing happened before the Trial Court, the petitioner again approached this Court for grant of bail vide Cr. Misc. 13226 of 2020 when this Court vide order dated 02.03.2020 directed the Trial Court to positively conclude the trial within a period of six months.

Till date, the trial has not been concluded.

This Court had called for a report about the stage of the case. The report is absolutely elusive with respect to the possible time within which the trial could be expected to be concluded. The report also does not indicate as to how many witnesses have been examined upto now and what processes have been undertaken by the Trial Court to compel the appearance of the other witnesses.

This Court expresses its displeasure on the manner in which the report has been drawn up by the Trial Court.

The petitioner is said to be in custody since 17.01.2018

Considering the afore-noted status of the case,



the prayer for bail of the petitioner during the pendency of the trial is allowed.

The petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Jhanjharpur, Sitamarhi, in connection with Sessions Trial No. 329/2018 arising out of Andhramath P.S. Case No. 130 of 2017.

The petitioner shall, however, participate in the trial proceedings and his absence from the trial proceedings for two consecutive occasions without seeking prior approval of the Trial Court would render his bail liable to be cancelled.

The petition stands allowed.

(Ashutosh Kumar, J)

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