

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8338 of 2022

Arising Out of PS. Case No.-8 Year-2020 Thana- ANTICHAK District- Bhagalpur

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BIRENDRA MANDAL @ BIRENDRA KUMAR SON OF JAY RAM
MANDAL RESIDENT OF VILLAGE NANDGOLA, P.S. ANTICHAK,
DISTRICT- BHAGALPUR (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurva Kumar, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-03-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 363, 365, 120B and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 3.8.2021 (Annexure-1) passed in Cr. Misc. no.12561 of 2021. The F.I.R. was registered after one day of the alleged occurrence. Further the grand daughter of the Laxmi Kumari who claims to have seen the grand son of the informant being kidnapped by the petitioner gave her statement more than a month after the alleged occurrence. The petitioner has



remained in custody since 25.2.2020 and charge has been framed in the learned Court below.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 28.2.2022 of the Additional Sessions Judge-X, Bhagalpur charge has been framed in the case on 2.12.2021, however inspite of summons having been issued on the witnesses, none of the witnesses have turned up.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody for more than 2 years and the trial having commenced in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.254 of 2020 (arising out of Antichak P.S. Case no. 8 of 2020) 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 ADJ-X, Bhagalpur.

It is directed that the petitioner shall cooperate in the trial and shall be properly represented on each date in the trial Court. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the



petitioner, the learned trial Court may cancel the bail bond of the
petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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