

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9563 of 2022

Arising Out of PS. Case No.-195 Year-2019 Thana- MURLIGANJ District- Madhepura

Mohan Kumar, S/o- Gulab Chand Mandal Resident of Village - Gangapur
Ward No. 8, Police Station - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 276 of 2019 arising out of Murliganj P.S. Case No. 195 of 2019 registered for the alleged offences under Sections 143, 341, 323, 324, 307, 379, 504, 506 and 302 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons assaulted the informant, her husband and her sister-in-law. The allegation against this petitioner is that he gave a bamboo blow on the head of the husband of the informant who received serious injuries and died during his treatment.

The learned counsel for the petitioner submits that the



prayer for bail of this petitioner was twice rejected by a Co-ordinate Bench of this Court vide order dated 04.03.2020 and 24.02.2021 passed in Cr. Misc. No. 71716 of 2019 and Cr. Misc. No. 37680 of 2020, respectively. Learned counsel further submits that the petitioner surrendered before the court below on 12.06.2019 and he was enlarged on bail on 25.06.2019 but subsequently the bail bond of the petitioner was cancelled after an application was moved for canceling of bail bond on the ground that the petitioner had threatened the witnesses. Learned counsel further submits that initially this case was registered under Section 307 and other minor sections of the IPC but later on Section 302 was added after death of the husband of the informant. Learned counsel further submits that it is apparent from the FIR that the informant and her husband came to save the sister of the informant because a quarrel was going on between the family members of the sister of the informant and this shows there was no previous enmity between the parties. It is also apparent from the FIR that the husband of the informant sustained serious injury on his head but not a single word has been uttered about the condition of the husband of the informant being serious. There was no repetition of blow on the deceased by the petitioner. There could be no application of Section 302



of IPC and this case comes under purview of Section 304 of IPC. Learned counsel further submits that there is no likelihood of early conclusion of the trial. The petitioner is in custody since 02.07.2019 after framing of charge on 19.11.2019, more than three years have been elapsed but only two witnesses have been examined in this case.

Learned APP opposes the prayer for bail submitting that the prayer for bail was twice rejected by this Court and there is specific allegation against the petitioner that he hit on the head of the husband of the informant and the said injury proved to be fatal.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears no possibility of early conclusion of trial and further considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIIrd, Madhepura in connection with Sessions Trial No. 276 of 2019 arising out of Murliganj P.S.



Case No. 195 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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