

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34649 of 2021**

Arising Out of PS. Case No.-19 Year-2019 Thana- SONBERSA District- Saharsa

=====

MANTOSH KUMAR YADAV @ MANTOSH KUMAR Son of Phuleshwar  
Yadav Resident of Village - Shahpur, Balu Tola, P.S.- Sonbarsa Raj, District -  
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

=====

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

4      01-02-2022                      Heard learned counsel for the parties through video  
conferencing.

The petitioner has preferred this application for grant  
of regular bail in a case registered under sections 302 and 34 of  
the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on hearing the sound  
of firing, on the informant waking up, it is stated that he saw  
the petitioner, his wife, father-in-law and brother-in-law fleeing  
away.

It is submitted by learned counsel for the petitioner  
that the earlier application for bail of the petitioner was rejected  
vide order dated 23.6.2020 (Annexure-1) passed in Cr. Misc.  
no.3092 of 2020 directing the learned trial Court to conclude the



trial within eight months and giving liberty to the petitioner to renew his prayer for bail if the trial is not concluded within eight months. It is stated that more than 1 year and 6 months having passed since passing of the said order, there is no progress in the learned trial Court and not a single witness has been examined on behalf of the prosecution. The petitioner is in custody since 13.11.2019 and undertakes to cooperate in the trial. He has no criminal antecedent

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 13.1.2022 of the Judicial Magistrate 1<sup>st</sup> Class, Saharsa, the case is pending for appearance of the accused persons.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the liberty granted to the petitioner in the aforesaid order dated 23.6.2020 together with the petitioner not having any criminal antecedent and having remained in custody for over 2 years and the stage of trial in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Sonbersa P.S. Case no. 19 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 Judicial



Magistrate 1<sup>st</sup> Class, Saharsa.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. 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)**

Bibhash/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

