

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32726 of 2022

Arising Out of PS. Case No.-127 Year-2009 Thana- BIHARIGANJ District- Madhepura

1. RAM SHARAN MANDAL SON OF LATE AKAL MANDAL R/O VILLAGE- SHARAUNI KALA TOLA BALWA, WARD NO.-7, P.S.- BIHARIGANJ, DISTRICT- MADHEPURA
2. MANOJ MANDAL SON OF RAM SHARAN MANDAL R/O VILLAGE- SHARAUNI KALA TOLA BALWA, WARD NO.-7, P.S.- BIHARIGANJ, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in Bihariganj P.S Case No. 127 of 2009 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation, on the alleged date and time of occurrence, accused persons including the petitioners fired at the husband of the informant as a result of which her husband



died.

Earlier petitioners were granted bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 3274/2012.

The main submissions advanced by learned counsel Shri Praveen Kumar appearing for the petitioners are that both petitioners have clean antecedents, they were granted bail by this court and they remained present through their counsel in their case till year 2015 and last witness of prosecution was examined in the petitioners' case in the year 2013 and thereafter no prosecution's witness turned up and prosecution itself remained careless in producing the witnesses and finally, petitioners went to other State for earning their livelihood. Further submission is that petitioners have been languishing in jail since 25.4.2022 and prior to cancellation of their bail bond the petitioners remained vigilant in attending their case and they themselves surrendered before the court below.

Sri Shayameshwar Dayal, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account that the prosecution itself remained careless in producing the witnesses in the trial of the petitioners



and as per order of the learned court below last witness of the prosecution was examined in the year 2013 and the petitioners left their attendance in their case in the year 2015 and moreover, petitioners are stated to be labourers in the opinion of this court, a lenient approach can be taken in respect of the petitioners' prayer.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Madhepura in Sessions trial no. 41A/2011 arising out of Bihariganj P.S Case No. 127 of 2009 on condition that petitioners shall remain present in person before the trial court one each and every date, if they violate the said condition on any date the learned court below shall take serious action against them by cancelling their bail bonds.

(Shailendra Singh, J)

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