

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50832 of 2023

Arising Out of PS. Case No.-124 Year-2021 Thana- MANSURCHAK District- Begusarai

PRASHANT KUMAR JHA Son of Dewanand Jha Resident of village - Ward
no. 11, Garai Gaon, Govindpur, P.S. - Mansoorchak, Distt. - Begusarai, Bihar
851128

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurv Harsh

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mansoorchak P.S. Case No. 124 of 2021 registered for the offences
punishable under Sections 302, 326, 201 and 34 of the Indian Penal
Code.

3. As per prosecution case, the informant got
information that petitioner alongwith other accused persons
concertedly committed murder of informant's daughter by burning.
When she enquired about the same, she found the said fact true.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 05.03.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and there is
no likelihood of tampering with the prosecution evidence. He further



submits that on 16.01.2023 the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 32804 of 2022 with an observation that if the trial is not concluded within six months from the date of receipt of this order, the petitioner may renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after nine months from the date of earlier rejection of bail prayer of the petitioner. He further submits that not a single witness has been examined in the case till today. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 05.03.2022 which is more than one year and seven months.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 197/2023 has sent its report which reveals that out of 14 charge-sheet witnesses not a single witness has been examined till today.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within the stipulated period



of six months and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Mansoorchak P.S. Case No. 124 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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