

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58054 of 2023

Arising Out of PS. Case No.-447 Year-2019 Thana- SHERGHATI District- Gaya

SHIVA MANDAL S/O LATE SOHRAI MANDAL R/O VILLAGE-
GHODRAJA, PS. SHERGHATI, DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-11-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that
this is the second attempt of the petitioner to seek bail as earlier
his bail application was rejected by order dated 23.03.2022 in
Criminal Miscellaneous No. 61228 of 2021.

3. The learned counsel for the petitioner next submits
that though the case is under Section 302 of the IPC read with
other Sections of the IPC but then petitioner is in custody since
07.10.2019, it is next submitted that even from perusal of the
allegation as alleged in the FIR, it would manifest that it is
alleged that petitioner sat on the chest of the deceased and
assaulted him along with other accused persons leading to his
death on account of land dispute.



4. The learned counsel for the petitioner next submits that charge sheet has been submitted and cognizance was taken by an order dated 09.01.2020 and till date the case is pending at the stage of cognizance itself, it is further submitted that since the petitioner has remained in custody for nearly more than 4 years, as such, the Court should consider the case of the petitioner for grant of bail.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the submission made by the learned counsel for the petitioner and the fact that despite cognizance being taken on 09.01.2020, the case is still pending at that stage, as such, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sherghati P.S. Case No. 447 of 2019.

7. However, it is made clear that in the event if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, in that event, the learned Trial Court shall be at liberty to cancel the



bail bonds of the petitioner after recording reasons.

8. Accordingly, the present regular bail application stands allowed.

(Satyavrat Verma, J)

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