

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66567 of 2023

Arising Out of PS. Case No.-112 Year-2020 Thana- MAHILA PS District- Buxar

MANOJ SHARMA Son of Ramvilash Sharma @ Ram Bilash Sharma R/O
Vill. and P.O.- Kotwa Narayanpur, P.S.- Narhi, District - Baliya, Uttar
Pradesh.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Buxar Mahila P.S. Case No. 112 of 2020 corresponding to Sessions Trial No. 341 of 2021 initially registered for the offences punishable under Sections 341, 323, 504, 506, 498(A), 34 of the I.P.C. and later on, Section 302 of the I.P.C. was added.

3. As per prosecution case, informant's daughter told the informant on mobile that on 09.11.2020 at about 9:00 PM, petitioner and others assaulted and ousted her from the matrimonial home and her husband (present petitioner) left her in Mohalla Sohanipatti, Buxar in semi unconscious state and fled away.



4. Learned counsel for the petitioner submits that earlier bail prayer of the present petitioner has been rejected by this Court vide Cr. Misc. No. 42675 of 2022 on 30.01.2023 with direction to trial court to conclude the trial within six months from the date of receipt/production of copy of said order and if trial is not concluded within the stipulated period of six months, the petitioner may renew his prayer of bail. He further submits that since the date of rejection of earlier bail prayer of the petitioner near about eleven months have been elapsed and out of nine prosecution witnesses, only two prosecution witnesses have been examined which indicates that the trial is going at a slow pace and chances of conclusion of trial in near future is bleak. He further submits that delay of trial is not in any way attributable to the petitioner as petitioner is in custody since 29.05.2022 which is more than one and half years. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that bail of present petitioner has already been rejected on merit but he fairly 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 within



the stipulated period of 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. 170 dated 04.12.2023 has sent its report which reveals that out of nine prosecution witnesses, only two prosecution witnesses have been examined.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is more than one and half years, trial is not likely to be concluded in near future and delay of trial is not in any way attributable to the petitioner, argument advanced on behalf of both sides as well as 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 Additional Sessions Judge-V, Buxar in connection with Buxar Mahila P.S. Case No. 112 of 2020 corresponding to Sessions Trial No. 341 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)

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