

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7130 of 2024

Arising Out of PS. Case No.-9 Year-2021 Thana- PIPRAHI District- Sheohar

MANI SHANKAR KUMAR @ MANI SHANKAR SINGH LATE
HEMANT KUMAR SINGH @ RAJA SINGH R/O-MADHKAUL, P.S.-
BELSAND, DISTT.-SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-02-2024 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned counsel for the petitioner submits that the petitioner is in custody since 06.03.2021 and this is the fourth attempt of the petitioner to seek bail. It is next submitted that petitioner had filed Cr. Misc. No.75135/2022 (3rd attempt) to seek regular bail. The said criminal miscellaneous was rejected by an order dated 04.01.2023 but liberty was granted to the petitioner to move the learned trial court for seeking bail in the event if the trial is not concluded within a period of nine months from the date of receipt/production of a copy of the order. Further, if the learned trial court would come to a conclusion that the trial for no fault of the petitioner could not



be concluded, in that event, liberty was granted to the learned trial court to pass order in accordance with law and will also have liberty to grant bail to the petitioner. The learned counsel next submits that when order dated 04.01.2023 in Cr. Misc. No. 75135/2022 was passed, by that time, only two prosecution witnesses were examined. The learned counsel next submits that from perusal of Annexure-3 to the bail application, it would manifest that after 04.01.2023 till 07.11.2023, not a single witness appeared on behalf of the prosecution for getting their examination-in-chief recorded. It is next submitted that this amply demonstrates that the prosecution is only trying to delay the trial. The learned counsel next submits that petitioner accordingly moved the learned trial court by filing regular bail application, in terms of the liberty granted by order dated 04.01.2023 in Cr. Misc. No. 75135/2022 but the learned trial court without dealing with the issue that for no fault of the petitioner the trial could not be concluded, rejected the bail application. The learned counsel asserts and submits that till date i.e. 02.02.2024 only two witnesses have been examined.

3. The learned APP opposes.

4. Considering the submissions made by the learned counsel for the petitioner and his assertion that till date only two



witnesses have been examined, the petitioner, above named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Sheohar in connection with Sessions Trial No.72/2021, arising out of Piprahi P.S. Case No.09/2021.

5. 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, the learned trial court shall forthwith cancel his bail bonds after recording reasons.

6. The application stands allowed.

(Satyavrat Verma, J)

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