

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30781 of 2024

Arising Out of PS. Case No.-254 Year-2021 Thana- MANIGACHI District- Darbhanga

Mangal Mukhiya Son of Sri Baijnath Mukhiya @ Baidyanath Mukhiya Ward
No. 2, Resident of Village- Amtahi, P.S.- Sakatpur, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-07-2024 Heard learned counsel for the Petitioner and

learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 331 of 2022, arising out of Manigachhi P.S. Case No. 254 of 2021 dated 25.12.2021 registered for the offences punishable under Sections 304B, 328 and 201 of the Indian Penal Code.

3. Mr. Durga Nand Jha, learned counsel appearing for the petitioner submits that this is a second attempt of the petitioner to get the relief of regular bail and his earlier bail petition bearing Cr. Misc. No. 47558 of 2022 was rejected by this Bench vide order dated 16.03.2023 with giving him a liberty to renew his prayer for bail after one year, if significant



progress is not made in his trial by the trial court and in the light of said liberty, the petitioner has again come before this Bench for the same relief. It is further submitted that a period of more than one year had elapsed after the passing of the earlier rejection order of the petitioner but till date only one prosecution witness has been examined who has not made any specific allegation against this petitioner and the deposition's copy of the examined witness has been filed as Annexure 'P-3'. It is further submitted that charge was framed upon the petitioner on 28.03.2023 and thereafter, more than twenty consecutive dates have passed in the trial court but only one prosecution witness has been produced and examined till date which shows the lingering attitude of the prosecution. It is further submitted that the petitioner has been languishing in jail since 25.04.2022.

4. Mr. Mithlesh Kumar Khare, learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Heard both the sides. Though, there is a serious allegation against this petitioner but considering the prosecution's lingering attitude in producing and examining the prosecution witnesses as stated above and also, taking into consideration the custody period of the petitioner which is more



than two years, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Sessions Trial Case No. 331 of 2022, arising out of Manigachhi P.S. Case No. 254 of 2021.

(Shailendra Singh, J)

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