

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52073 of 2024

Arising Out of PS. Case No.-173 Year-2018 Thana- MATIHANI District- Begusarai

Pankaj Kunwar son of Late Deo Narayan Kunwar @ Late Deo Narayan
Kumar Village- Shankarpur Bakhadda, Ps- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 25-10-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Matihani P.S. Case No. 173 of 2018 dated 03.12.2018 registered
for the offence(s) punishable under Section(s) 302, 120B/34 of
the Indian Penal Code

3. The main submissions advanced by learned counsel
for the petitioner are that this is the second attempt of the
petitioner to get the relief of regular bail as his earlier bail
prayer was rejected by this bench vide order dated 13.03.2023
passed in Cr. Misc. No. 34676 of 2022 preferred by this
petitioner in which the petitioner was given a liberty to renew
his bail prayer after the examination of all the private
prosecution witnesses or after one year, if in the said period no



non-official witnesses of the prosecution was examined and in the light of this liberty, the petitioner has again come before this court. It is further submitted that the petitioner has been languishing in jail since 19.03.2020 and till date only one prosecution witness out of eleven chargesheet witnesses has been examined by the prosecution which shows the lingering attitude of the prosecution. It is further submitted that though against the petitioner there are criminal antecedents of eight cases but he has got bail in all the said cases.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner but he has not refuted the above submission as to non-examination of prosecution witnesses before the trial court except one witness.

5. Heard both the sides. Though, there is a serious allegation against the petitioner but prosecution is completely careless in producing and examining the prosecution witnesses and it is very surprising that in such type of serious matter no prosecution witness has been produced in the last one year, except one witness and the petitioner has been languishing in jail since 19.03.2020. Considering these facts, particularly the petitioner's custody period and lingering attitude of the prosecution in the trial of the petitioner, this court is now



inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Matihani P.S. Case No. 173 of 2018.

(Shailendra Singh, J)

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