

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52250 of 2024

Arising Out of PS. Case No.-248 Year-2020 Thana- DHANAHA District- West Champaran

Dharmendra Madesia S/O Ramji Madhesia R/O Village- Khalwapatti, P.S-
Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-10-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 302, 504 and 34 of
the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is in custody since 19-10-2020 and this is the third
attempt of the petitioner to seek bail. It is further submitted that
out of nine charge-sheet witnesses till date only five witnesses
have been examined and they have not supported the case of the
prosecution. It is also submitted that petitioner is alleged to have
assaulted the husband of the informant by *lathi* on head on
account of which he died, but then the blow was not repeated
nor the petitioner had any intention of killing the deceased.



4. Learned counsel further submits that petitioner for the purposes of seeking bail for the second time had moved this Court by filing Cr. Misc No. 65710 of 2023 and the same came to be rejected by an order dated 6-10-2023. It is next submitted that from perusal of the order dated 6-10-2023, it would manifest that till then also only five witnesses were examined and thereafter an year has passed but not a single witness has been examined till date.

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

6. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dhanaha P.S. Case No. 248 of 2020.

7. One of the bailors of the petitioner shall be his father, Ramji Madhesia.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify that as to how many witnesses have been examined, in the event, if it is found that



more than five witnesses have been examined till date, in that event, the present order shall not be given effect to, but if only five witnesses have been examined till date, in that event, the bail bonds of the petitioner shall be accepted forthwith.

9. It is further made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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