

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51631 of 2024

Arising Out of PS. Case No.-398 Year-2020 Thana- JHAJHA District- Jamui

Beni Mandal Son of Late Rewa Mandal R/O Vill.- Chhuchhunariya, P.s.-
Jhajha, Dist.- Jamui

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Prakash

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-10-2024 **1.** Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
- 2.** The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code.
- 3.** The learned counsel appearing on behalf of the petitioner submits that this is the fifth attempt of the petitioner to seek bail. It is next submitted that out of 14 charged-sheet witnesses, only 9 witnesses till date have been examined. It is also submitted that the petitioner had moved this court for the fourth time by filing Cr. Misc No. 9604 of 2023, but the same came to be rejected by an order dated 15-3-2023 and from perusal of the order dated 15-3-2023, it would manifest that the



same recorded that out of 12 prosecution witnesses, 8 prosecution witnesses have been examined. It is submitted that from 15-3-2023 till date, only 9 witnesses have been examined, which amply demonstrates that in a period of more than an year, only 1 witness was examined.

4. The learned counsel appearing on behalf of the informant submits that in the order dated 15-3-2023, it has been recorded that out of 12 prosecution witnesses, 8 prosecution witnesses have been examined, but then there were altogether 14 charge-sheet witnesses, out of which, as of date, 13 witnesses have been examined.

5. 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 Jhajha PS. Case No. 398 of 2020.

6. One of the bailors of the petitioner shall be his wife, Hemanti Devi.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify that as to how many



witnesses have been examined till date and if it is found that 13 charge-sheet witnesses have been examined, in that event, the present order shall not be given effect to, but if only 9 witnesses have been examined till date, in that event, the order shall be given effect to.

8. It is further made clear that if petitioner is released on bail and thereafter, the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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