

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80312 of 2023

Arising Out of PS. Case No.-155 Year-2021 Thana- KORHA District- Katihar

Bindan Kumar @ Bindan Mandal S/O Mukhdev Mandal R/O Village-
Koudiya, P.S.- Haveli Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abdul Mannan Khan, Advocate Mr. Allama Abdul Ouddin Jamal Faridi, Advocate Mr. Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-01-2024 Heard Mr. Abdul Mannan Khan, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. This is the third attempt made on behalf of the
petitioner, for grant of his bail, in connection with Sessions Trial
No. 209 of 2021, arising out of Korha P.S. Case No. 155 of
2021, registered for the offence punishable under Sections 302,
201 and 379 of the Indian Penal Code.

3. It is submitted on behalf of the petitioner that
earlier, twice the prayer has been negatived, taking into
consideration the ample materials, showing the complicity of
the petitioner. However, while rejecting the prayer for bail of the
petitioner vide order dated 15.02.2023 in Cr. Misc. No. 1860 of
2023, this Court has observed that learned trial Court will take
all the endeavours to conclude the trial, as early as possible,



preferably within a period of six months and, in case, the same would not be concluded within the period stipulated, the petitioner shall be at liberty to renew his prayer for bail. He submitted that despite, lapse of 15 months of the earlier disposal, till date, the trial Court has not been concluded and as per his instruction, out of 7 charge-sheet witnesses, only 3 have been examined, till date, moreover, the petitioner is in custody since 25.03.2021.

4. On the other hand, learned APP for the State vehemently opposes the bail application and submits that twice, the prayer for bail of the petitioner has been rejected taking into consideration the cogent materials available on record against him and there is no overwhelming circumstances to reconsider his prayer afresh.

5. Regard being had to the submissions made on behalf of the parties and taking note of the period of incarceration and the fact that there is no likelihood of conclusion of trial in near future, as still 4 witnesses are yet to be examined, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – V, Katihar in connection with Sessions Trial No. 209 of 2021, arising out of



Korha P.S. Case No. 155 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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