

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5000 of 2024

Arising Out of PS. Case No.-259 Year-2021 Thana- BAHADURPUR District- Darbhanga

MANOJ SAH SON OF LAL BABU SAH, RESIDENT OF VILLAGE-
MIRZAPUR DEKULI KOWAHI , POLICE STATION- BAHADURPUR,
DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 01-03-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Bahadurpur PS case no. 259 of 2021, registered under Sections 498(A), 326, 307 of the Indian Penal Code and subsequently Section 304-B of the Indian Penal Code was added, inasmuch as earlier, the prayers of the petitioner for grant of bail were rejected by this Court vide orders dated 04.02.2022 and 13.07.2022, passed in Cr. Misc. no. 43868 of 2021 and Cr. Misc. no. 33564 of 2022 respectively.
3. The allegation against the petitioner is that the petitioner poured kerosene oil upon the informant and set her



ablaze. Petitioner is in custody since 06.05.2021.

4. This Court, vide its order dated 02.02.2024, had called for a report and in pursuance thereof, learned Additional District & Sessions Judge-XI, Darbhanga has furnished the report. From perusal of report, it transpires that all the 10 charge-sheet witnesses have been examined and statement of accused under Section 313 Cr.P.C. has been recorded on 18.01.2023. Thereafter, the prosecution filed a petition under Section 216 Cr.P.C., which has been allowed and charge has been altered and Section 302 I.P.C. has been included in the charge. Consequently, the defense has requested for recall of prosecution witnesses for the purposes of their cross-examination and hence, the record is again running at the stage of prosecution evidence.

5. Regards being had to the submissions made on behalf learned counsel for the parties and taking into consideration the fact that this is the third attempt of the petitioner for grant of bail, the petitioner is in custody for more than two and half years since 06.05.2021, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

6. Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond



of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Sessions Judge-XI, Darbhanga in connection with Bahadurpur PS case no. 259 of 2021. It is further directed that the petitioner shall appear before the learned trial court on each and every date so fixed by the trial court and in default of two consecutive appearances, the present privilege of regular bail shall stand cancelled automatically.

(Anil Kumar Sinha, J)

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