

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85619 of 2023**

Arising Out of PS. Case No.-193 Year-2021 Thana- MAHARAJGANJ District- Siwan

Mankeshwar Mahto Late Badshah Mahto Vill- Balia, P.O. Balia, P.S.  
Maharajganj, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                        |
|--------------------------|---|------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Chandra Shekhar Singh, Advocate<br>Mr. Bhuneshwar Pandey, Advocate |
| For the Opposite Party/s | : | Mr. Suresh Prasad Singh, APP                                           |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

4      10-05-2024                      Heard learned counsel for the Petitioner and  
learned APP for the State.

2. Petitioner seeks regular bail in connection with Session Trial Case No. 08 of 2022 arising out of Maharajganj P.S. Case No. 193 of 2021, dated 31.07.2021 registered for the offences punishable under Sections 341, 323, 326, 304(B), 302/34 of the Indian Penal Code.

3. Mr. Chandra Shekhar Singh, learned counsel appearing for the petitioner submits that the petitioner's earlier prayer for bail has been rejected vide order dated 18.04.2023 passed in Cr. Misc. No. 72556 of 2022 preferred by this petitioner and he has again come for the relief of bail mainly on the ground of his health issues, and, in this regard a report from



Jail Superintendent has been called for which shows that the petitioner is suffering from several health issues and is under treatment continuously at different hospitals and in the present time his health condition is very serious and he will not survive if he is not released from the jail and he needs care of his family members. Learned counsel further submits that the petitioner has been languishing in jail since 27.09.2021 and one co-accused namely, Asha Devi is on bail and as per the *fardbeyan* of the deceased, the petitioner himself took an attempt to save her when she was caught by flames.

4. Mr. Suresh Prasad Singh, learned APP appearing for the State has opposed the prayer for bail of the petitioner and submitted that the petitioner's trial can be expedited.

5. Heard both the sides. Though there is serious allegation against the petitioner but considering his health issues and his continuous medical treatment as reflected from the report of Jail Superintendent and as per the report of trial court only two witnesses out of eight chargesheet witnesses have been examined so far which shows that there may be some delay in the conclusion of the trial of the petitioner who has been languishing in jail since 27.09.2021. Considering these facts, the petitioner now deserves to the privilege of bail.



Accordingly, let the petitioner named-above be enlarged on bail on furnishing of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 08 of 2022 arising out of Maharajganj P.S. Case No. 193 of 2021.

(Shailendra Singh, J)

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