

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24540 of 2025

Arising Out of PS. Case No.-1101 Year-2013 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Haidar Mansoori @ Md. Haidar Mansoori Son of Hamid Mansoori Resident
of Village- Majhaura, P.S.- Riga, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasrul Khatoon Daughter of Late Hanif Mansoori village- Pandaul, Ps-
Bathnaha, Dist- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with
Complaint Case No. 1101 of 2013 instituted for the offence
punishable under Section 498 (A) and allied sections of the
Indian Penal Code which was filed against six persons but
cognizance was taken only against the petitioner under Section
498(A) of the Indian Penal Code on 12.08.2014.

3. It is a case of misuse of privilege of bail.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that the case before the lower court was



going on for evidence before charge. It is submitted that the complainant has not appeared since 2018. Therefore, the evidence before charge has not been taken up and the case was continuing only for evidence before charge. Thus, under wrong impression, the petitioner did not appear before the Trial Court. Lastly, it has been submitted that the petitioner is in custody since 29.01.2025.

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

6. It appears that, initially, the petitioner was granted anticipatory bail from a co-ordinate Bench of this Court. Thereafter, the petitioner surrendered in the Court below and bail bond was furnished. Thereafter, bail bond of the petitioner was cancelled twice; firstly, bail bond of the petitioner was cancelled on 27.07.2017 since the petitioner was not present on that date. Then, the petitioner surrendered before the Court below on 07.10.2017 and he was granted bail by the Court below itself. Again, bail bond of the petitioner was cancelled on 22.03.2024 and thereafter he surrendered before the Court below on 29.01.2025 and since then he is in custody.

7. From the perusal of the order-sheets of the complaint case, it appears that the case was posted for evidence



before charge and the Complainant remained absent on several dates and did not produce any witness. On 27.07.2017, the complainant was present with a witness but the accused was absent and due to that his bail bond was cancelled. Thereafter, the petitioner was granted bail by the Court below itself and the case once again proceeded for evidence before charge, but the complainant remained absent from 2018 till 2024 when the bail bond of the petitioner was again cancelled due to his non-appearance. It further appears that the case was proceeding at the stage of evidence before charge but the complainant was not appearing since long i.e., from 2018 and this may have caused slackness on the part of petitioner though he had appeared on different dates. Owing to long absence of the complainant, the petitioner might have thought that the complainant is not interested in pursuing the matter and thus, he also left *pairvi* in the case. From gamut of present situation, it is apparent that the pendency of the case at the stage of evidence before charge for a long time i.e., almost a decade coupled with non-appearance of the complainant has led to non-appearance of the petitioner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sadar, Sitamarhi in connection with Complaint Case No. 1101 of 2013.

9. Under the facts and circumstances, the petitioner is hereby forewarned not to dis-continue his appearance before the court below. However, for the present, the prayer for grant of bail of the petitioner is being considered sympathetically with following conditions:-

(i). The petitioner shall appear on each and every date before the concerned court till the conclusion of the trial.

(ii). If the petitioner fails to appear before the concerned court on two consecutive dates, the bail bond of the petitioner shall be cancelled.

The Court below shall also try to conclude the trial at the earliest since the complaint case is of the year 2013.

(Khatim Reza, J)

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