

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67374 of 2024

Arising Out of PS. Case No.-67 Year-2022 Thana- HATHAURI District- Samastipur

Dilip Kumar Mandal @ Dilip Mandal @ Dilip Kumar Son of Sri Ram
Kalevar Mandal Resident of Village- Gangarahi, P.S. - Hathauri, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP
For the O.P. No. 02	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-01-2025 Heard the learned counsel for the petitioner, learned
APP for the State and learned counsel for the O.P. No.
02/informant.

2. This is the 2nd attempt of the petitioner. The
petitioner seeks regular bail in the present case registered for the
offence under Sections 147, 149, 149, 341, 323, 324, 325, 307,
354, 504, 506 of the Indian Penal Code and Section 302 was
added afterward.

3. As per the prosecution case, the petitioner is the
assailant of the deceased.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence.
Petitioner is in custody since 09.10.2023. Due to land dispute



between the parties, they are litigating in both, civil as well as in the criminal side.

5. The learned counsel for the petitioner has further submitted that the charge was framed on 01.03.2024 and the prosecution produced the first witness i.e., PW-1 on 13.11.2024 i.e., after eight months of framing of charge. PW-1 was examined on 13.11.2024 and thereafter the cross-examination was deferred. Thereafter, on four subsequent dates, P.W-1 has not appeared for cross-examination. He further submits that there are ten witnesses per the charge-sheet and the only motive of the prosecution is to delay the trial so that the petitioner remains in jail.

6. The learned counsel for the petitioner has further submitted that the petitioner also has a right of speedy trial and the same cannot be defeated by the prosecution.

7. The learned counsel for the informant has not been able to explain the delay of eight months in the examination of PW-1 and the further delay in producing the witness for cross-examination. He submits that now the prosecution will produce the witnesses regularly including the PW-1 for cross-examination.

8. Learned A.P.P. has supported the submission of the



learned counsel for the informant.

9. I have considered the submissions of the parties.

10. From the conduct of the prosecution it appears that they are not interested in the conclusion of the trial but they are interested in keeping the petitioner in custody on the ground that the trial is pending and on the ground that he is the assailant of the deceased. The petitioner is in jail for about one and half years and he cannot be kept in custody indefinitely only because the prosecution wants him to be kept in custody.

11. Considering the aforesaid facts and circumstances, this application for regular bail is allowed.

12. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1, Rosera, Samstipur/concerned Court below in connection with Hathauri P.S. Case No. 67 of 2022 subject to conditions that:-

(i). The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial on the dates fixed by the Court and non-cooperation in the trial shall result in automatic cancellation of the bail bond of



the petitioner.
(ii). Both the bailors should be
close relative of the petitioner.

Shishir/- **(Sandeep Kumar, J)**

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