

Sessions Case no. 33 of 2003
Reg No. 33 of 2003
JO CODE WB00727

Order no. 43, dated 08.09.2025

Accused **Maney Rai** is brought under arrest on the strength of process of WA issued by this Court along with a forwarding note.

Seen the forwarding report, memo of arrest and medical slip of the accused **Maney Rai**.

One bail application is filed by accused Maney Rai.

Ld. Prosecutor Sri Nitin Kumar Thakur is found present.

The bail application filed by accused is taken up for consideration.

Heard learned advocate representing accused as well as learned prosecutor and perused the materials on the case record.

Ld. Advocate representing accused submits that accused was previously on bail and attended Court physically lastly on 21.10.2022 and thereafter he was prevented to attend Court for attending his medical treatment for suffering from liver cirrosis and has been arrested immediately after issuance of the process of WA on 01.09.2025. During prolong trial of 22 years no incriminating material could be brought by the prosecution against the accused. Accused may be enlarged on bail.

Ld. Prosecutor opposes the bail application by submitting that the allegation against the accused is serious one of the offence punishable u/s 302 of IPC. Accused has prejudiced the trial of the case by remaining absent on the date fixed for trial.

Having considered the submissions raised by learned advocate representing accused and learned prosecutor in the light of the evidence brought by prosecution during prolong trial of 22 years wherein no incriminating material could be brought against accused who was lastly found physically present before this Court on 21.10.2022 and has been arrested immediately after issuance of the process of WA by this Court on 01.09.2025, I find no reason to detain the accused in custody.

Accused **Maney Rai** may find bail of **Rs. 2000/- with one registered surety of like amount** to the satisfaction of learned Chief Judicial Magistrate, Darjeeling.

Let a copy of this order be sent to the Office of learned Chief Judicial Magistrate, Darjeeling for information.

To date (10.10.2025) for examination of prosecution witnesses.

Dict. & corrected by me

Sd/-

Sessions Judge, Darjeeling (IC)

Sd/-

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