

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 7708 of 2026

Mangal Munda, aged about 27 years, son of Gurua Munda, Resident of Badani, Post Arki, Police Station Arki, District Khunti

... .. **Petitioner**

Versus

The State of Jharkhand **Opposite Party**

CORAM: HON’BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Vikash Kumar, Advocate

For the Opp. Party : Mr. Shree Prakash Jha, APP

- 07/09.09.2026 Heard the learned counsels appearing on behalf of the parties.
2. A counter-affidavit has been filed during the court proceedings, which is taken on record.
3. Learned counsel for the petitioner submits that the petitioner is in custody since 04.02.2025 in connection with S.T. Case No. 69 of 2025 arising out of Adityapur P.S. Case No. 451 of 2024, registered under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, now pending in the Court of learned Additional Sessions Judge- II at Seraikella.
4. Learned counsel for the petitioner further submits that the bail application of the petitioner was rejected earlier vide order dated 02.04.2026 in B.A. No.2669 of 2026 with an observation that the State would promptly produce the witnesses before the learned court. He has further submitted that charge has been framed on 20.05.2025 and there are only three prosecution witnesses, but none has been produced so far. He has submitted that the state, on the one hand, has not been producing the witnesses and on the other hand, the petitioner has been detained in custody.
5. The learned counsel for the petitioner also submits that as per the records, there are criminal antecedents against the petitioner, but the same by itself cannot be a reason for non-production of the witnesses in this case.
6. Learned counsel for the State has filed counter affidavit of the Superintendent of Police of the concerned district and has submitted

that the learned court has issued notice for appearance of witnesses vide orders dated 22.05.2025, 04.05.2026 and 12.08.2026, and they have now contacted the witnesses. The next date before the learned court is 24.09.2026 and on that day, they will ensure production of witnesses.

7. However, from the counter-affidavit, nothing could be pointed out by the learned counsel for the State with respect to the service of notice upon the witnesses, which were said to have been issued on earlier occasions, that is, on 22.05.2025 and 04.05.2026, and only reference of numerous criminal cases of similar nature with regard to motorcycle theft have been mentioned in the counter affidavit.

8. It appears from the records that the Superintendent of Police of the district- Saraikela-Kharsawan, namely Manoj Swargiary, has not taken care of the order dated 02.04.2026 passed by this court in B.A. No.2669 of 2026 and has not ensured prompt production of witnesses, which has resulted in filing of the present bail application on the ground of long custody and non-production of witnesses; the charge was framed as back as on 20.05.2025.

9. The manner in which the petitioner has been retained in custody even after framing of charge in May, 2025 does not appear to be fair to the petitioner.

10. On account of the laches on the part of the prosecution and considering the custody of the petitioner, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty-five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- II at Seraikella in connection with S.T. Case No. 69 of 2025 arising out of Adityapur P.S. Case No. 451 of 2024, on the following conditions:

- (i) One of the bailors would be the present *pairvikar* of the petitioner.
- (ii) The other bailor should be his close relative.
- (iii) ***The petitioner will in person attend the court on each and every date*** and on account of even single default, the learned court shall cancel the bail bond furnished by the

petitioner.

(iv) The petitioner will deposit a self-attested copy of his Aadhar Card along with his mobile number before the learned court which he will not change during the pendency of the case without prior permission of the court.

(v) The petitioner shall fully co-operate with the proceedings before the learned trial court.

11. The instant application is allowed with the aforesaid conditions.

12. Let this order be communicated to the Department of Home, Jail & Disaster Management of the State of Jharkhand.

13. Let this order along with a copy of the affidavit filed with the bail petition be communicated to the court concerned through FAX/e-mail.

(Anubha Rawat Choudhary, J.)

Date of Order:09.09.2026

Pankaj

Date of Uploading:10.09.2026