

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4193 of 2016

Arising Out of PS.Case No. -241 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

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Dilip Kumar Mandal Son of Bilash Mandal Resident of village Rangra, P.S.
Rangra, O.P District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 28-03-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Gopalpur (Rangra) P.S. Case No. 241 of 2015 registered for the
offences punishable under Sections 363 and 365 of the Indian
Penal Code and converted under Section 364/120B and Section
34 of the Indian Panel Code.

Allegedly, Mikki Kumar Mandal, the younger
brother of the informant, had gone to Kali Asthan on
30.10.2015 at 5:30 p.m. and thereafter, he did not return and his
mobile was found switched off. During search, the villagers told

that the petitioner was taking away him on his motor-cycle.

Submission is of false implication and that only on suspicion, the petitioner has been named, there is no direct evidence against the petitioner, the police after adopting third degree method has got recorded the confessional statement of the petitioner and without any legal and cogent material, the petitioner is suffering in custody since 04.11.2015, to which the learned APP seriously opposes by submitting that witnesses have seen the petitioner taking away Mikki Kumar Mandal vide para 5 and 6 of the case diary and further, the motor-cycle used by the petitioner in committing the crime, has also been recovered and the petitioner has confessed his guilt that he and co-accused Santosh Kumar killed the victim boy and threw the dead body in the river.

In the facts and circumstances stated above, considering that the petitioner was seen by the witnesses taking away Mikki Kumar Mandal, and as such, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Gopalpur (Rangra) P.S. Case No. 241 of 2015, pending in the court of learned Additional Chief Judicial Magistrate, Naugachia, District-Bhagalpur.

However, considering the detention of the petitioner,
let the trial be expedited and concluded ***within a period of nine months.***

(Jitendra Mohan Sharma, J.)

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