

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39644 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -KHARIK District- BHAGALPUR

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1. Ankit Mandal @ Buchchar Mandal @ Bucchhar Mandal Son of Late Bishundeo Mandal, R/o Village- Bahatra, P.S.- Parbatta, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mrs. Dr. Indihar Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 14-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 31.05.2017 in connection with Kharik P.S. Case No. 79 of 2017 for offences punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that his son Vijay Kumar @ Sandip Kumar (deceased), who was a teacher at Middle School, Khagaria used to go on his motorcycle everyday to the school. On 24.05.2017 while he was returning from the school, the petitioner along with four others fired on him, as a result he got injured and died on the spot. It is alleged that



there was land dispute between both sides and out of enmity the occurrence took place.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no one has seen the occurrence. He submits that the witnesses are interested witnesses and even the brother of the deceased Bibhishan Mandal has only alleged that the petitioner along with others were near the place of occurrence in a suspicious condition. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the son of the informant has been killed by the petitioner and others because of previous enmity and civil dispute.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Kharik P.S. Case No. 79 of 2017, pending in the court of learned A.C.J.M. 2nd, Naugachia, Bhagalpur.

Application is, accordingly, rejected. However, trial



court is directed to expedite the trial and conclude the same within nine months. Petitioner is at liberty to renew his prayer for bail after nine months if the trial is not concluded by that time.

(Nilu Agrawal, J)

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