

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2304 of 2017

Arising Out of PS.Case No. -87 Year- 2013 Thana -BARARI District- KATIHAR

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Sunil Mandal, Son of Aitwari Mandal, resident of Village - Bakiya Diara,
Post Office - Barari, Police Station - Barari, District - Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sandeep Patil, Advocate, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 21.01.2015
in connection with Barari P.S. Case No. 87 of 2013 for the
offences instituted under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that on 27.06.2013 at
1.00 P.M., the informant gave fardbeyan before the S.H.O. of
Barari Police Station, stating therein that his cousin brother,
namely, Aashok Yadav, went to see his Maize field, in the
meantime, Anil Mandal, Sunil Mandal (petitioner), Kailash
Mandal, Sita Ram Mandal, Aitwari Mandal and Mangal Mandal
came and Sitaram Mandal and Kailash Mandal caught hold of the
informant's cousin brother Anil Mandal and Sunil Mandal



(petitioner) assaulted with Spade(Kudal) on the head of his cousin brother as a result of which, he got injured and fell down on the ground. When the informant came to rescue, Aitwari Mandal and Mangal Mandal also assaulted him. Thereafter, the informant alongwith villagers went at the place of occurrence where he saw that his cousin brother Ashok Yadav was injured and lying on the ground at the time. The injured was taken to Hospital at Bhagalpur and during the course of treatment he died.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 15523 of 2015 dated 03.11.2015 with a direction to the court below to conclude the trial preferably within a period of one year from the date of receipt/production of copy of the order.

A report was called for from the court below regarding the stage of the case. It has been reported that two prosecution witnesses have already been examined in the case and the trial is expected to be concluded within a period of six months. The petitioner is said to have assaulted by *Spade* on the head of the deceased as per the prosecution case.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Barari P.S. Case No. 87 of 2013, pending in the court of the



learned Chief Judicial Magistrate, Katihar. Anyhow, the learned court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate, Katihar and the Superintendent of Police, Katihar, are directed to ensure that the prosecution witnesses are produced on the date fixed by the trial court so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Katihar and the Superintendent of Police, Katihar.

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(Sudhir Singh, J)

