

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32710 of 2017

Arising Out of PS.Case No. -286 Year- 2015 Thana -KOTWALI District- MUNGER

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PRABHAKAR MANDAL @ PRABHAKAR KUMAR MANDAL Son of
Latt Lakhan Mandal, Resident of Village- Kushwaha Tola Madhepura, P.S.-
Kotwali, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shambhu Sharan Singh, Advocate.

For the Opposite Party : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
31.12.2015 in a case registered for the offence under Sections
302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the informant's
brother Pratap was assaulted by 7-8 persons with Hockey Stick
and rod. Co-accused Kishan Mandal ordered to shoot his brother
upon which this petitioner with intention to kill, fired shot on the
chest of his brother. Thereafter all the accused persons caught hold
his brother and co-accused Kundan Mandal fired a shot on ear pit
of his brother, Pratap who fell down and died. Thereafter, this



petitioner loaded the dead body on a Tempo to disappear the dead body and started fleeing away. This petitioner was caught by the police.

Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 21320 of 2016 dated 16.08.2016 taking into account that the petitioner is the assailant of the deceased.

A report was called for from the court below regarding the stage of the case. It has been reported that out of seven prosecution witnesses, three prosecution witnesses have been examined and summon against rest of the witnesses have already been issued..

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 90/2016, arising out of Kotwali P.S. Case No. 286 of 2015, pending in the court of learned Additional District and Sessions Judge, Munger.

The 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, Munger and the Superintendent of Police, Munger, are also directed to ensure that



the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

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

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(Sudhir Singh, J)

