

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43017 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -JAMALPUR RAIL P.S. District- LAKHISARAI
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1. Dhiraj Mandal son of Nepali Mandal, resident of Village- Pariya, P.S. Bariyarpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Sessions Trial No. 119 of 2017 arising out of Rail Jamalpur P.S. Case No. 72 of 2016 and G.R. No. 449 of 2016 for offences punishable under Sections 307, 324, 326/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he was coming from school as it was declared a holiday, the petitioner intercepted him and on verbal conversation, fired on him which did not hit him but hit a lady thereafter, second round was fired by the petitioner which hit another lady. Cause of dispute is that cousin brother of informant and one Ajay Mandal



from the petitioner side were contestants for settlement of tempo stand.

It has been submitted by the learned counsel for the petitioner that he is innocent and the informant did not suffer any injury and that there were two ladies who were injured, but did not state that they saw the petitioner. It is further submitted that charge-sheet has already submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He is languishing in judicial custody since 02.01.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a veteran criminal and as many as four cases, under similar sections, are pending against him and that for no cause, the petitioner fired on the informant which hit the two ladies and opinion has been kept reserve as per injury report.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail stands rejected in connection with S.T. No. 119 of 2017 arising out of Rail Jamalpur P.S. Case No. 72 of 2016, G.R. No. 449 of 2016 pending before learned Sessions Judge, Lakhisarai.



However, learned court below is directed to conclude the trial at the earliest, preferably within four months. The petitioner is at liberty to renew his prayer for bail after four months.

(Nilu Agrawal, J)

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