

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2429 of 2018

Arising Out of PS.Case No. -151 Year- 2016 Thana -KURSELA District- KATI HAR

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1. Nepali Mandal Son of Nand Keshore Mandal @ Nand Kishore Mandal
Resident of Village-Bagmara, P.S. Kursela, P.S. Kursela, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Sri Dilip Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 07-02-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 16.11.2016 in connection
with Kursela P.S. Case No. 151 of 2016 registered under Sections 302,
384, 504, 506/34 of the Indian Penal Code and 25(1-b)a, 27 of the Arms
Act.

Learned counsel for the petitioner has submitted that the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. Earlier, the prayer for bail of this petitioner has
been rejected vide order dated 25.04.2017 in Cr. Misc. No. 16018 of
2017. As per the report of the In-Charge, Session Judge, Katihar, it
appears that there are five prosecution witnesses and out of five, none
of the witnesses has been examined till date and, therefore, the trial of
the case is not likely to be concluded in near future. Moreover, the



petitioner has been rotting in judicial custody for the last 15 months.

Learned A.P.P. for the State has opposed the prayer for bail and submitted that there is specific allegation against the petitioner. Moreover, no fresh ground is available to entertain the bail application of this petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to grant regular bail to this petitioner at this stage. Accordingly, the prayer for bail of this petitioner is rejected.

However, the trial court is directed to conclude the trial preferably within a period of six months and if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail thereafter.

(Arvind Srivastava, J)

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