

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27373 of 2018

Arising Out of PS. Case No.-153 Year-2017 Thana- FALKAHA District- Katihar

Rajesh Kumar @ Rajesh Mandal, son of Rajendra Mandal, resident of village
– Khaira, P.S. Falka , (Pothia) District – Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 07-05-2018 Heard Sri Bimal Kumar, learned counsel for the
petitioner . None appeared on behalf of the State.

The sole petitioner, who is in custody since 20.6.2017 has prayed for grant of bail in Sessions Trial No. 322 of 2017 [arising out of Falka (Pothia) P.S. Case No. 153 of 2017] registered for the offence under Sections 363, 365, 120(B) of the Indian Penal Code, 1860 in which charge-sheet was submitted under Sections 302, 201, 120(B)/34 of the Indian Penal Code, 1860.

Sri Bimal Kumar, learned counsel for the petitioner submits that of- course the petitioner along with others was made accused in the F.I.R., there is no plausible evidence against the petitioner. He further submits that in the case a decomposed dead body was subsequently recovered, which was



not even identified and a case has been made out that dead body of deceased was the dead body of husband of informant. Learned counsel for the petitioner submits that it is true that it was alleged that on confession weapon allegedly used in the murder of the deceased was recovered from the house of co-accused, but no F.S.L. report has been obtained. He further submits that no mobile was recovered, but only cover of mobile was shown to be recovered. He further submits that despite the fact that in this case charge has already been framed on 4.1.2018, till date, prosecution has not produced any witness. On this very ground, it has been prayed for grant of bail.

Considering the fact that after investigation accusation against petitioner and others was found true and charge- sheet was submitted and now charge has already been framed meaning thereby that trial has commenced, there is no reason to consider the prayer for grant of bail.

The prayer for bail stands dismissed.

(Rakesh Kumar, J)

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