

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31494 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

PRABHAKAR MANDAL Son of Sri Bindeshwri Mandal Resident of
Village-Navtoliya Chauka, P.S.-Industrial area, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Industrial P.S. case no.
71 of 2018 instituted for the offence under Section 302/34 of
the IPC.

Earlier, the prayer for bail of petitioner was rejected
by this Court vide order dated 9.1.2019 passed in Cr. Misc. no.
73604 of 2018 with liberty to renew prayer for bail after six
months if no substantive progress is made in the trial.

The report called for from the Court has been received
and placed at Flag- 'R', wherein, it is mentioned that all the



prosecution witness has been examined in this case on 24.5.2019. The prosecution evidence was closed on 19.6.2019. Thereafter record speaks that case was fixed for recording the statement of accused persons but, one of the accused, namely, Asha Devi remained absent on the said dates, therefore, the statement of the accused persons could not be recorded. Ultimately, the bail bond of accused, Asha Devi, was cancelled on 27.6.2019 and thereafter recorded the statement of accused persons. Now the case is fixed for defence evidence.

In such circumstances, this Court finds from the conduct of the accused persons that they are not cooperative in the court below for early conclusion of the trial. The trial has substantially progressed; one of the accused person, namely, Asha Devi did not appear on the date fixed for recording her statement and, ultimately, her bail bond was cancelled. Therefore, this Court is not inclined to grant bail to petitioner. Accordingly, prayer for bail of petitioner stand rejected.

Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of six months from the date of receipt of copy of this order.

Petitioner may renew prayer for bail in the event trial



is not concluded within the aforesaid period.

(Sanjay Priya, J)

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