

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42037 of 2019

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

Rajesh Mandal, aged about 30 years, Gender – Male, S/o Rajendra Mandal,
Resident of Village- Khaira, P.S.- Falka (Pothia), District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 07-08-2019 Heard Sri Bhola Prasad, learned counsel for the
petitioner and Sri Madan Kumar, learned Addl. Public
Prosecutor.

This is the 2nd attempt for grant of bail.

The petitioner is in custody in Sessions Trial No. 322
of 2017, arising out of Falka (Pothia) P.S. Case No. 153 of 2017,
registered for offence under Sections 363, 365, 120B of the
Indian penal Code and charge has been framed under Sections
302, 201, 120B, 34 of the Indian Penal Code.

Earlier, the prayer for bail of petitioner was rejected
on 07-05-2018, vide Cr.Misc. No. 27373 of 2018. Till the order
passed on the last occasion, not even single witness was
examined, though charge had already been framed.

Accordingly, by order dated 17-07-2019, in the



present case, a report was called for from the court below regarding exact stage of the case, which has been received and kept at flag 'A'. The report contained in letter no. 108/2019 dated 26th July, 2019, sent under the signature of learned Additional Sessions Judge – 7th, Katihar, makes it clear that out of seven charge-sheeted witnesses, five have already been examined and for securing attendance of two official witness i.e. investigating officer and doctor, bailable warrant of arrest has already been issued. Meaning thereby that trial is proceeding in accordance with law and as such, there is no reason to review/recall of my earlier order.

The prayer for bail stands dismissed.

However, while dismissing the prayer for bail again, it is desirable to direct the Superintendent of Police, Katihar to ensure production of witnesses, as and when, required by the learned court below.

Let a copy of this order be sent to concerned Superintendent of Police for its compliance.

(Rakesh Kumar, J.)

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