

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8818 of 2020

Arising Out of PS. Case No.-34 Year-2016 Thana- DHOLBAJJA District- Bhagalpur

ANIL MANDAL, Son of Sarovar Mandal, Resident of Village - Jangali tola,
P.S.- Dholbajja (Kadwa), Distt – Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate.
For the Opposite Party : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the I.P.C. and 27 of the Arms
Act.

The prosecution story, in brief, is that on 22.08.2016
at about 1.35 hours in the day, the husband of the informant was
going towards west bank of river to ease, when he covered a



distance of about 200 Gaj near the house of Ram Avtar Mandal, suddenly, F.I.R. named accused persons armed with deadly weapons surrounded her husband on which her husband cried and tried to escape from there, on hearing hulla, the informant alongwith family members also reached there and saw that Anil Mandal (petitioner) and co-accused Bilash Mandal who were armed with three nut Katta fired 4-5 rounds upon her husband from close range in head, chest and Panjara, due to which, her husband fell down there. When they saw her, they told that her husband has been shot dead and if she would lodge the case they will murder all the family members of her family and when she went near the husband, found that he is no more. The cause of occurrence is that there is dispute for five Bigha land and for that dispute, her Sasur, namely, Bindeshwari Mandal, and Bhaisur, namely, Upendra Mandal, were murdered in the year 2014 and for that case they had gone jail.

Earlier the bail application of the petitioner was rejected by the then another Co-ordinate Bench of this Court vide Cr. Misc. No. 23461 of 2017 under order dated 04.07.2017 taking into account that the petitioner is one of the assailants who is alleged to have fired upon the deceased.

This is second attempt on behalf of the petitioner for



grant of bail.

A report was called for from the court below regarding the present stage of the case. It has been reported that the charge has been framed and one prosecution witness has already been examined and rest five witnesses including the I.O. and Doctor are to be examined.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 198/2017, arising out of Dholbajja (Kadwea) P.S. Case No. 34/2016, pending in the court of learned Additional District and Sessions Judge-III, Naugachia, Bhagalpur.

The petitioner is in custody since 21.10.2016.

Considering the same, the court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order.

The District Magistrate, Bhagalpur and the Superintendent of Police, Naugachia, are also directed to ensure that the prosecution witnesses including the official witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated



period.

Let a copy of this order be communicated to the District Magistrate, Bhagalpur and the Superintendent of Police, Naugachia.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

