

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81281 of 2019

Arising Out of PS. Case No.-2 Year-2007 Thana- SANHAULA District- Bhagalpur

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BIDYA MANDAL Son of Late Deep Narayan Mandal Resident of Village-
Dobhi, P.S.- Sanhoula, (Amdanda), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Pravina Kumari

For the Opposite Party/s : Mrs. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 17-08-2020 The court proceeding has been conducted through

virtual mode.

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody since
06.07.2016, in a case registered for the offences punishable
under Sections 302 and 307/34 of the IPC.

The prosecution case, as per the fardbeyan of
Samili Paswan, recorded by S.I. S.N. Mandal on 02.01.2007 at
about 8 A.M. is to the effect that on 01.01.2007, in the evening,
when the informant was his house, all the accused persons
including the petitioner came and started abusing the informant,
whereupon the informant tried to flee away, but they caught
hold of the wife of the informant, Vishundeo Tanti when co-
accused Rishi Mandal assaulted with the butt of the country



made pistol on the mouth of the informant's wife whereas other accused persons pushed her down on the earth, as a result the wife of the informant died on the spot.

Learned counsel for the petitioner submits that the accusation against the petitioner is omnibus and general. There is no specific accusation of assault against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, in the present situation created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the FIR was registered in the year 2007 and after nine years, the petitioner has been arrested in year 2016 when he is named in the FIR, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, in connection with Sessions Trial No. 1056(A) of 2013, Sanhoula P.S. Case No. 02 of 2007, pending in the Court of learned Additional District Judge-1, Bhagalpur, is rejected.

However, it is expected from the learned trial court



to conclude the trial within a period of six months of resumption
of physical court proceeding.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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