

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8717 of 2021**

Arising Out of PS. Case No.-286 Year-2020 Thana- FALKA District- Katihar

=====

DIPAK KUMAR MANDAL @ DIPAK MANDAL Son of Ram Prawesh Mandal @ Ram Pravesh Mandal, Resident of Village- Khaira, P.S.- Falka, Distt- Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

with
CRIMINAL MISCELLANEOUS No. 13787 of 2021

Arising Out of PS. Case No.-286 Year-2020 Thana- FALKA District- Katihar

=====

PAPPU MAHALDAR S/O- Sukhru Mahaldar R/o- Khaira, P.S. - Falka, Distt. - Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8717 of 2021)

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

(In CRIMINAL MISCELLANEOUS No. 13787 of 2021)

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 12-08-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners in both the cases and learned A.P.Ps for the State.

Petitioners in the present case are seeking regular bail in connection with Falka (Pothia) P.S. Case No. 286 of 2020

registered for the offences punishable under Sections 302 r/w 34 of the Indian Penal Code. Both the petitioners are in custody since 14.08.2020.

Learned counsel for the petitioners submits that it is a case of false implication of these two petitioners. In the F.I.R. it is alleged that the father of the informant had gone to do his duty as Choukidar on the brick kiln in the night of 12.08.2020, in the next morning his dead body was found and the informant was told that on account of a fight which took place on the issue of consumption of liquor, these petitioners and the two other co-accused had killed his father.

Learned counsel submits that in course of investigation it has been noticed that the co-accused Manoj Mandal had also suffered severe injuries on vital parts of his body, however, the name of these two petitioners have been brought by way of over implication. Nobody had seen the alleged occurrence.

On the other hand, learned A.P.P. for the State submits that in course of investigation the brick kiln owner has stated that when the quarrel was taking place between the co-accused Manoj Mandal and two others, the Munshi of the brick kiln had informed the owner about it. The owner had disclosed that these two petitioners and co-accused Manoj Mandal were involved in fishing activities near the brick kiln and on the alleged date of occurrence

they had a quarrel with the father of the informant who was posted there as Choukidar. Learned A.P.P. submits that as many as four external injuries have been found on the body of the deceased.

In the facts and circumstances, this Court has noticed that there are some substantial materials in the case diary which have also been referred to in the impugned order indicating involvement of these petitioners in the alleged occurrence in which the father of the informant was brutally killed. This Court is, thus, not inclined to release the petitioners on bail at this stage.

Let the trial be expedited. The trial court is directed to proceed with the trial as early as possible and conclude the same preferably within a period of nine months from the date of start of the physical court. Shorter date shall be fixed in the matter and the Public Prosecutor must cooperate by producing all the witnesses on the date fixed in the matter.

If the trial remains unconcluded for no reason attributable to the petitioners, they may renew their prayer for bail.

These applications stand disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.