

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20572 of 2021**

Arising Out of PS. Case No.-772 Year-2018 Thana- NATHNAGAR District- Bhagalpur

KAILASH MANDAL SON OF LATE CHABIL MANDAL RESIDENT OF
VILLAGE BAIRIYA PS NATHNAGAR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 21-10-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in connection with a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner is stated to have assaulted the son of the informant with an iron rod on his head leading to his death.

It is submitted by learned counsel for the petitioner that the informant and the petitioner happen to be full brothers. The petitioner has been falsely implicated in the case due to oblique reasons and family disputes which would be evident from the contents of the FIR itself. Referring to the FIR it is stated that the same is self contradictory. The petitioner is in custody since 5.1.2019 and there is no chance of the trial



concluding in the near future.

The application for bail is opposed by learned APP for the State who submits that the contents of the postmortem report supports the allegations levelled in the FIR.

As per the report received from the learned trial Court as contained in letter dated 29.9.2021 the Investigating Officer and the Doctor have been examined and the other witnesses including the informant remain to be examined.

Having heard learned counsel for the parties and taking into consideration the direct allegations against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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