

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27060 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- BARIYARPUR District- Munger

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DHIRAJ MANDAL Son of Nepali Mandal Resident of Village/Muhalla -
Paria, P.S. - Bariarpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case for the offence registered under Section 302 of the Indian Penal Code and 27 of the Arms Act.

The allegation in short is that while the informant on 06-04-2019 at 5.00 'O' clock in the morning awoke, he heard that his son was shot dead near the Railway Gumti, Bariarpur. When he reached at the spot, he saw the dead body of his son smeared with blood.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 21-07-2017. Charge



sheet/Prosecution report in this case has already been submitted. The petitioner is not named in the FIR. His name transpired in this case in course of investigation. The petitioner is not an eye witness to the alleged occurrence. Merely on the basis of suspicion, he has been made accused in the present case.

On behalf of the State, it is submitted that the name of the petitioner has transpired in the present case on the basis of statements made by the witnesses in paragraphs 23 & 24 of the case diary wherein the petitioner is alleged to be main assailant who fired on the deceased.

A report was called for from the court below. It has been reported that out of nine prosecution witnesses, five prosecution witnesses have already been examined. It is further submitted that seven criminal cases are pending against him.

Considering the nature of allegation and the stage of the case, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Sessions Case No. 43 of 2020 arising out of Bariarpur P.S. Case No. 55 of 2019 is rejected.

Learned trial court is directed to take all necessary steps to conclude the trial of the petitioner preferably within a period of six months from the date of receipt/production of copy



of this order.

The District Magistrate and the Superintendent of Police, Munger are directed to ensure the production of prosecution witnesses on the date fixed by the trial court, so that trial could be concluded within the stipulated period of six months.

Let a copy of this order be communicated to the District Magistrate and the Superintendent of Police, Munger for needful.

(Sudhir Singh, J)

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