

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33411 of 2020**

Arising Out of PS. Case No.-2 Year-2020 Thana- BASANHI District- Saharsa

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MUKESH MANDAL Son of Late Gucho Mandal @ Gunjeshwar Mandal  
Resident of Village - Dotara Ward No.13, P.S.- Basanahi, Distt.- Saharsa  
(Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Sanjay Kumar  
Mr.Anant Kumar 1  
For the Opposite Party/s : Mr. Md. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
ORAL ORDER

3    02-02-2021                      Heard Mr. Sanjay Kumar, learned counsel for the  
  
petitioner and Mr. Md. Aslam Ansari, learned APP for the  
  
State.

The petitioner seeks bail in connection with  
  
Basanahi P.S. Case No. 02 of 2020 instituted for the  
  
offences under Sections 147, 148, 149, 342, 302 of the  
  
Indian Penal Code and Sections 25(1-B)a, 26, 35 and 27 of  
  
the Arms Act.

According to the First Information Report, the  
  
petitioner is the assailant of the deceased.

However, Mr. Kumar, learned counsel for the



petitioner has argued that but for the informant, every other person, who has supported the prosecution version is only a hearsay witness, which includes the son of the deceased as well. Apart from this, some of the independent persons have not said anything incriminating against the petitioner. The occurrence is said to have taken place because of some past dispute relating to theft of a pair of slippers.

Learned counsel for the petitioner submits that in the impugned order, there has been an error of record with regard to the number of criminal cases lodged against the petitioner. The petitioner has only one other case to his credit but erroneously, it has been stated in the impugned order that the petitioner is an accused of three other criminal cases.

The petitioner is in custody since 26.02.2020

Regard being had to the accusation against the petitioner in the First Information Report, I am not inclined to grant bail to him.

The prayer for bail is rejected.

The Trial Court is directed to expedite and conclude



the trial preferably within a period of nine months from the date of receipt/ production of a copy of this order. In case, there is no substantial progress in the case within the next six months, the petitioner would be entitled to pray for bail before the Trial Court and in that even the Trial Court shall state the reasons for tardy pace of the trial.

**(Ashutosh Kumar, J)**

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