

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41400 of 2022

Arising Out of PS. Case No.-729 Year-2021 Thana- NATHNAGAR District- Bhagalpur

BUDHWA MANDAL @ NANDLAL MANDAL Son of Late Sitaram Mandal
Resident of Village - Kanjhiya, P.S.- Madhusudanpur Nathnagar, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal
For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 729 of 2021
registered for the offences punishable under Sections 302 of the
Indian Penal Code and 27 of the Arms Act.

As per prosecution case, in the night of
28.12.2021, the informant learnt that his brother Budhwa
Mandal(present petitioner) committed murder of his mother by
fire-arm. It is also alleged that the petitioner always used to
abuse and assault the informant's mother and tried to took the



whole amount of land sold by his mother.

Learned counsel for the petitioner submits that petitioner is in custody since 12.01.2022 and bears no criminal antecedent. He further submits that petitioner has no motive to kill his mother. He further submits that the informant is not an eye witness of the alleged occurrence and petitioner has falsely been implicated in this case by the informant.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner submitting that petitioner himself has committed the murder of his mother which is clear from the FIR that he used to assault his mother and demand the amount of land sold by his mother and there is specific allegation against the petitioner and the same is supported and corroborated by the postmortem report of deceased.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial within nine months from the date of



receipt/production of copy of this order to the court concerned.

If there is no substantial progress in trial within the stipulated period, petitioner may renew prayer of bail.

(Alok Kumar Pandey, J)

vashudha/-

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