

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28415 of 2023

Arising Out of PS. Case No.-2 Year-2007 Thana- SANHAULA District- Bhagalpur

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Bidya Mandal, Son of Late Deep Narayan Mandal, Resident Of Village-
Dobhi, Ps- Amadanda, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.1056A/2013 [arising out of Sanhaula (Amdanda) P. S. Case no.2 of 2007] registered under sections 302, 307 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. The earlier applications for bail of the petitioner were rejected vide orders dated 28.2.2022 passed in Cr. Misc. no.45562 of 2021 and dated 17.8.2020 passed in Cr. Misc. no.81281 of 2019.

4. As per the prosecution case, while the accused persons caught hold of the wife of the informant, Rishi Mandal assaulted with the butt of his country made pistol. As a result of the assault by all the accused persons, the wife of the informant



died on the spot.

5. Learned counsel for the petitioner submits that the allegations against the petitioner are general and omnibus in nature. On perusal of the F.I.R., it would transpire that the main allegation is against co-accused Rishi Mandal. The petitioner is in custody since 6.10.2016 and the trial has still not concluded. The main reason for rejection of bail of the petitioner on earlier occasion was that in a case of the year 2007, the petitioner was taken into custody in the year 2016. With respect to the stage of the trial, learned counsel for the petitioner referring to the order of the learned Court below submits that till passing of the said order, eight witnesses had been examined on behalf of the prosecution and five witnesses still remain to be examined.

6. Heard learned APP for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner being general and omnibus in nature, the petitioner having remained in custody since 6.10.2016 ie for more than 6 years and the trial not having concluded which would be evident from the order of the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.1056A/2013 [arising out of Sanhuala (Amdanda) P. S. Case



no.2 of 2007], on furnishing bail bond of Rs.10,000/- (Rupees
Ten Thousand) with two sureties of the like amount each to the
satisfaction of the Chief Judicial Magistrate, Bhagalpur.

(Partha Sarthy, J)

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