

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29296 of 2023

Arising Out of PS. Case No.-66 Year-2021 Thana- BAHERI District- Darbhanga

Mahesh Mandal S/O Late Ram Prakash Mandal R/O Village- Danikhon, P.S-
Baheri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Jagdish Prasad Singh, Advocate
For the Opposite Party/s :	Mr.Satyendra Narayan Singh, APP
For the Informant	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 107 of 2023, arising out of Baheri P.S. Case No. 66 of 2021, registered on 20.03.2021 for the alleged offences under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

3. As per prosecution case, the informant, his brother and father were assaulted by the petitioner and other co-accused persons, in the backdrop of some land dispute and the father of the informant succumbed to his injury during treatment.

4. Learned counsel for the petitioner submits that this



is the second attempt of the petitioner to seek bail from this Court. Earlier the prayer for bail of the petitioner was rejected vide order dated 10.10.2022 passed in Cr. Misc. No. 69928 of 2021. The learned counsel took the grounds already taken in the previous bail petition and further submits that there is admitted land dispute between the parties and there is case and counter case. The petitioner has also received injury being assaulted by the informant side.

5. Learned APP as well as learned counsel appearing for the informant vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that bail of co-accused Rajeev Kumar @ Rajeev Kumar Mandal has been twice rejected by Co-ordinate Bench vide order dated 08.02.2023 passed in Cr. Misc. No. 70799 of 2022 with similar allegation. Learned counsel for the informant further submits that the petitioner's side is hampering the trial and hence, the case could not be committed for quite long time and only after intervention of this Court, the case could be committed.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the fact that there appears no fresh ground to consider the prayer for bail of the petitioner and hence, the



prayer for bail of the petitioner is rejected.

7. On the previous date, a report was called for from the learned trial court with regard to present stage of Sessions Trial No. 107 of 2023 and said report has been received. In its report the learned trial court has submitted that charges have been framed on 13.03.2023 and altogether 14 witnesses have been named in the charge-sheet and summons have been issued for their appearance for recording evidence.

8. Vide order dated 10.10.2022 passed in Cr. Misc. No. 69928 of 2021 while rejecting the prayer for bail of this petitioner, this Court directed the learned trial court to expedite the trial and conclude the same within six months but even then it does not appear from the report of the learned trial court that it has taken any step for early conclusion of the trial.

9. The learned trial court is hereby directed to proceed in the matter with all earnest and take all steps for early conclusion of the trial within a further time of six months.

10. Further the Superintendent of Police, Darbhanga is hereby directed to ensure the presence of the witnesses on each and every date fixed by the learned trial court for examination of prosecution of witnesses without fail. In case, the trial is hampered due to non-production of the witnesses,



the S.P., Darbhanga will be required to be present in person before this Court showing the reason for non-production of the witnesses on the date fixed.

11. However, if the trial is not concluded within six months, the learned trial court may consider the prayer for bail of the petitioner on its own merit without being prejudiced by the order of this Court.

(Arun Kumar Jha, J)

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