

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32354 of 2023

Arising Out of PS. Case No.-317 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Biru Mandal @ Birendra Prasad Singh @ Biran Mandal @ Virendra Prasad
Sah S/o- SURESH MANDAL Village- Ganoura Badarpur Ps-
Madhusudanpur (Nathnagar), Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.576/2021 arising out of Nathnagar (Madhusudanpur) P.S.
Case 317/2021, registered for the offence punishable under
Sections 307 of the Indian Penal Code read with Section 27 of
the Arms Act.

3. As per prosecution case, there is accusation against
the sole accused-cum-petitioner that he has fired upon the
informant which hit the cheek and passed through the base of
nose as a result of which the informant sustained injury.

4. Learned counsel for the petitioner submits that



petitioner is languishing in custody since 07.08.2021 and bears no criminal antecedent. Learned counsel further submits that there is a delay of 24 hours in lodging the FIR which is an afterthought.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that there is direct allegation of firing against the present petitioner which hit the informant's cheek and passed through base of nose and same is supported and corroborated by the injury report as mentioned in impugned order. He further submits that the prayer of bail of the present petitioner has already been rejected on merit vide order dated 18.10.2022 passed in Cr. Misc. No.70333/2021.

6. A report regarding stage of trial has been called for, from the trial court vide order dated 12.07.2023. The trial court vide letter no.79 dated 18.07.2023 has sent its report which reveals that only 03 non-official witnesses are yet to be examined in the case. The aforesaid report further reveals that the trial court has sought three months time for concluding the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner



stands rejected.

8. The trial court is directed to conclude the trial on day to day basis.

9. However, if trial is not concluded within three months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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