

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38388 of 2023

Arising Out of PS. Case No.-258 Year-2016 Thana- KAHALGAON District- Bhagalpur

Ganesh Mandal Son Of Kallar Mandal Resident Of Village- Santnagar,
Fulkiya, Ps- Ghogha, Distt- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 09.09.2016
in connection with Kahalgaon, Ghogha P.S. Case No. 258/2016, S.T.
No.16/2017, G.R. No.2664/2016, dated 05.08.2016, for the offences
punishable under Sections 304(B), 34 of the IPC.

3. According to prosecution case, the petitioner along with
other co-accused persons are said to have committed murder of the
deceased due to non-fulfillment of the demand of dowry.

4. Learned counsel for the petitioner submits that earlier
the bail petition of the petitioner was dismissed for non-appearance
of the concerned advocates vide order dated 01.05.2017 passed in Cr.
Misc. No. 12916/2017. Thereafter the bail petition of the petitioner
was again rejected by this Hon'ble Court vide order dated 11.10.2017
passed in Cr. Misc. No.41121/2017. Thereafter the petitioner again
approached this Court in Cr. Misc. No.63891/2022, which was



dismissed as withdrawn with liberty to move a fresh application before the learned court below as the impugned order has already been assailed in Cr. Misc. No.41121/2017. Now, the petitioner again approached this Hon'ble Court for grant of bail.

5. Vide order dated 21.06.2023 a report was called for from the learned Trial Court. Report dated 27.07.2023 of the learned Trial Court reveals that all the charge sheeted witnesses have been examined and now the case is fixed for statement of the accused under Section 313 Cr.P.C.

6. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. In view of the report of the learned trial court, I am not inclined to enlarge the petitioner on bail in connection with Kahalgaon, Ghogha P.S. Case No. 258/2016, S.T. No.16/2017, G.R. No.2664/2016 , pending in the court of learned District and Sessions Judge-XI, Bhagalpur.

8. Prayer is refused.

9. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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