

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67853 of 2022

Arising Out of PS. Case No.-669 Year-2021 Thana- KAHALGAON District- Bhagalpur

TIBHA MANDAL @ TEBHA MANDAL @ CHANDRA BHANU
MANDAL Son of Late Chunchun Mandal Resident of Village- Pannu- Chak,
P.S.- Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.11.2021 in connection with Kahalgaon (Ghogha) P.S. Case
No. 669/2021, F.I.R. dated 01.10.2021, for the offences
punishable under Sections 302/34 of the IPC & Section 27 of
the Arms Act.

According to prosecution case, while the younger
brother of the informant namely Kailash Mandal was going to
attend the natural call and reached the house of Rinku Mandal
then the petitioner along with co-accused persons, namely, Rishi
Mandal and Shobakant Mandal were hiding themselves in a



bush, and when Kailash Mandal tried to flee away, co-accused Shobhakant Mandal assaulted him with lathi due to which he fell on the ground. Then the petitioner and Shobhakant Mandal fired at him and thereafter the brother of the informant was taken to hospital, where the doctor declared him dead.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is false and fabricated. The petitioner has not committed any offence as alleged in the F.I.R.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries eleven criminal antecedent other than the present one.

Vide order dated 23.03.2023 a report was called for from the learned trial court regarding the stage of the trial. Report dated 17.04.2023 of the learned trial court reveals that P.W.1, P.W.2 and P.W.3 have already been examined and only official witnesses Doctor and I.O. has yet to be examined in this case.

Considering the report of the learned trial court, I am not inclined to enlarge the petitioner on bail in connection with



Sessions Trial No. 81/2022, arising out of Kahalgaon (Ghogha)
P.S. Case No. 669/2021 pending in the court of learned
Additional District and Sessions Judge-V, Bhagalpur.

Prayer is refused.

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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