

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1860 of 2023

Arising Out of PS. Case No.-155 Year-2021 Thana- KORHA District- Katihar

Bindan Kumar @ Bindan Mandal, Son of Mukhdev Mandal, R/V- Kaudiya Sadov P.S- Haveli Kharagpur, Dist- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mandira Shaw, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-02-2023 Heard Mrs. Mandira Shaw, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

This is the second attempt, whereby, the petitioner renewing his prayer for bail in connection with Korha P. S. Case No. 155 of 2021 giving rise to Sessions Trial No. 209 of 2021 registered for the offences punishable under Sections 302, 201 and 379 of the Indian Penal Code.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 11.05.2022 passed in Cr. Misc. No. 54758 of 2021 taking into consideration the fact that there is a confession leading to a recovery of incriminating material, which suggested the complicity of the petitioner in the present case of murder, apart from some other materials.

Learned counsel appearing on behalf of the petitioner



submits that though the trial has been commenced, but till date out of five prosecution witnesses only two witnesses have been examined and there is no likelihood of conclusion of trial in near future. She also submits that the blood stain which has been found on the clothes and articles, that has not been matched with the blood of the deceased, hence the chain of circumstances do not complete showing the complicity of the petitioner in the case. She also submitted that the FIR has been instituted against unknown and later on, only on the basis of call details report, the suspicion has arisen and thereafter the petitioner was arrested and his confession was obtained by the police and now he is in custody for about two years.

On the other hand, learned APP for the State opposes the bail application and submits that there are ample materials, showing the complicity of the petitioner, apart from the fact that the trial is in progress.

On the last occasion, the present status report was called for, which suggest that two prosecution witnesses have already been examined and the trial is likely to be concluded within a period of six months.

In view thereof, this Court is not persuaded to enlarge the petitioner on bail, however, it is expected that the trial Court



will take all the endeavours to conclude the trial as early as possible, within a period of six months. If the trial would not be concluded within the aforesaid period, the petitioner is at liberty to renew his prayer for bail.

Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

