

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16417 of 2024

Arising Out of PS. Case No.-78 Year-2022 Thana- DHAMDAHA District- Purnia

Kailash Mandal @ Kailash @ Kailash Mahto Son of late Opi Mandal @ Opi Mahto Resident of Vill.-Sorkahi, Kishanpur, Baluwa, Ward No.03, P.S.- Dhamdaha, Distt.-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the informant	:	Mr. Vivekanand Vivek, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-05-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with S.T. No. 350 of 2023/CIS No. 350 of 2023 arising out of Dhamdaha P.S. Case No. 78 of 2022 for the offence punishable under Sections 302, 34 of the Indian Penal Code lodged on 23.4.2022 by the informant, Phulo Devi.

3. As per the prosecution story, the lady, who after the death of her husband was staying with her '*samdhi*' (deceased) alleged that in the midnight, accused persons barged into the room and in her presence strangled him by putting a pillow on his mouth. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the trial is on and he has brought on record the deposition of some



of the witnesses to show that they have turned hostile.

5. Mr. Vivekanand Vivek, however has taken this Court to Annexure-3 to show that the informant, Phulo Devi has supported the prosecution story. He submits that the trial is in the concluding stage and as such it would inappropriate to extend him the relief.

6. Taking into account the fact that the trial is at the concluding stage, it would be appropriate that the petitioner diligently appear in trial and the bail application stands rejected.

7. The trial Court is directed to conclude the same preferably within a period of three months from today.

(Rajiv Roy, J)

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