

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21168 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- MIRGANJ District- Purnia

SIYA SHARAN MANDAL S/O LATE BRAHMNA MANDAL @ BRAHM
NARAYAN MANDAL R/O VILLAGE- BAGHUA, P.S- MIRGANJ, DISTT.-
PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s :	Mr.Binod Kumar, APP
For the Informant :	Mr.Arvind Kumar Pandey, Advocate
:	Mr.Abhishek, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 03-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with Mirganj
P.S. case No. 217 of 2023 instituted for the offences under
Sections 341, 323, 324, 325, 307, 120, 354, 379, 385, 34 of the
Indian Penal Code and subsequently Section 302 of the Indian
Penal Code was added.

3. Prosecution case, in short, is that on the alleged date
and time of occurrence, all the accused persons due to enmity
brutally assaulted the informant's husband when the informant
along with her husband and son had gone to see her agricultural



land. It is further alleged that this petitioner stabbed the informant's husband several times in the body with spear due to which he sustained injuries and later on succumbed to injuries.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that both parties are close agnates and there is previous land dispute between them. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that there is no eye-witness to the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.12.2023 and has no criminal antecedent. Learned counsel for the petitioner further submitted that petitioner is aged about 72 years and is suffering from several old age ailments and, therefore, learned counsel urged that the petitioner may be released on bail.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation in the FIR itself that the petitioner stabbed the informant's husband with spear due to which he sustained injuries and later on died during the treatment. Learned counsel



further submitted that allegation attributed to this petitioner is further corroborated by the post-mortem report and therefore, the petitioner does not deserve the privilege of bail.

6. Having considered the rival submissions of both the parties and the material available on record and further taking in to consideration the nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer is rejected. Learned trial Court is directed to expedite the trial and conclude the same preferably within a period of six months.

8. However, if the trial is not concluded within the stipulated period of six months, liberty is granted to the petitioner to renew his prayer for bail after a period of six months from the date of production/receipt of this order before the Court below itself.

(Rudra Prakash Mishra, J)

Alok Verma/-

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