

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70880 of 2024

Arising Out of PS. Case No.-86 Year-2021 Thana- NIRMALI District- Supaul

Ashok Mandal S/o Palak Mandal R/o vill - Fulkahi, P.S. - Phulparas, Distt. -
Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate
For the State : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt for bail of the petitioner
as earlier such prayer was rejected by order dated 01.11.2023 in
Cr. Misc. No. 69459 of 2023.

3. The petitioner seeks bail in connection with Nirmali
P.S. Case No. 86 of 2021 registered for the offence punishable
under Sections 364, 364(A)/34 of the Indian Penal Code.

4. The following order was passed on 01.11.2023 in
Cr. Misc. No. 69459 of 2023 which reads as under:

*“Heard learned counsel for the
petitioner and learned APP for the State.*

*This application for grant of regular
bail in connection with Nirmali P.S. Case No.
86 of 2021 registered for the offence
punishable under Sections 364, 364A, 34 of the
Indian Penal Code.*



It is alleged that the victim was kidnapped by petitioner along with accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in this case.

The petitioner is named in the F.I.R and the victim has not been recovered as yet In view of the aforesaid fact, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

The District Judge, Supaul and the Superintendent of Police, Supaul are directed to get the trial of the present case and conclude the same at the earliest.

Let a copy of this order be communicated to the District Judge, Supaul and the Superintendent of Police, Supaul for its compliance through FAX or e-mail forthwith."

5. The trial has started and one witness has been examined.

6. It has been submitted by learned counsel for the petitioner that the witness examined is the informant of the case and there is no material in the evidence of the informant of the petitioner having participated in the crime.

7. The Hon'ble Supreme Court in the case of **X vs. State of Rajasthan & Anr.** reported in **2024 SCC Online SC 3539** has observed that once the trial has started and the witnesses are being examined, the accused persons should not be granted bail ordinarily. If the trial is delayed by the



prosecution then the case for bail can be considered.

8. In the present case, the trial has started and one witness has been examined.

9. Considering the law laid down by the Hon’ble Supreme Court in the case of **X vs. State of Rajasthan & Anr** (supra) and also the fact that the trial has started and one witness has been examined, this is not a fit case for grant of regular bail to the petitioner.

10. Accordingly, this application is dismissed again.

11. The Court below is directed to expedite the trial at the earliest.

(Sandeep Kumar, J)

P. Kumar

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