

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22772 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- KAHALGAON District- Bhagalpur

Sikandar Mandal @ Sikendar Mandal, aged about 36 years, son of Late Suresh Mandal, resident of Village- Raghopur, P.S -Parbatta District -Bhagalpur Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 28-07-2025 The case has come under the heading “To Be Mentioned” at the instance of the Court.

2. This application for grant of regular bail was listed for admission on 23.07.2025 and on that date after hearing the learned counsel for the parties, order was passed granting bail to the petitioner but before the order is prepared and signed, it was noticed that complete facts were not brought to the knowledge of the Court.

3. Perusal of the case record shows that earlier a report was called for from the trial Court with regard to present stage of the case and the likely time to be taken in conclusion of the same. The report of trial Court has been received, but the same was not brought to the knowledge of the court either by learned counsel for the petitioner or by learned APP. That apart, the injured of this case has died during the course of treatment



but there is no mention of Section 302 of the Indian Penal Code either in the FIR or in the first paragraph of the bail application. However, a statement has been made in paragraph no.5 of the bail application that charge-sheet has been submitted under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and that is why this case has been brought today under the heading “To Be Mentioned” for hearing the case afresh on merit.

4. Heard learned counsel for the petitioner and learned A.P.P. for the State.

5. The petitioner seeks bail in connection with Kahalgaon P.S. Case No. 92 of 2024 dated 08.02.2024, instituted for the offence punishable under Sections 325, 307, 34 & 506 of the Indian Penal Code and Section 27 of the Arms Act.

6. The prosecution case, in short, is that on 02.02.2024 at 12:15 AM, Popali Mandal and Sikandar Mandal fired on the head of the informant's son, Rajesh Mandal. It is further alleged that on hearing firing sound, Budhan Mandal and Mahadeo Mandal woke up and saw that Popali Mandal, Sikandar Mandal and four others are fleeing having arms in their hands. It is further alleged that several people came and saw Rajesh in pool of blood. Thereafter, they took him to



Mayaganj Hospital and from where he was referred to Patna for better treatment. It is further alleged that his treatment was going on in Aradhya Binayak Emergency Hospital and he is in critical condition. It is further alleged that both the named accused earlier also had threatened to kill. It is further alleged that the occurrence took place at Bala brick kiln and at that time all persons were sleeping. Rajesh Mandal and two person, who were sleeping with him, are tractor drivers and they used to ply the vehicles at the brick kiln. Ultimately, the injured died during the course of treatment.

7. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the occurrence took place on 02.02.2024 but the FIR was lodged on 08.02.2024 i.e., after delay of six days without any plausible explanation. There is no eye witness to the alleged occurrence. It is next submitted that Industrail P.S. Case No. 100/23 has been lodged by the petitioner against informant's side due to which petitioner has been falsely made accused in this case. Lastly, it has been submitted that the petitioner is in custody since 08.03.2024, he has no criminal antecedents and charge-sheet has been submitted in the case.



8. Learned A.P.P. has opposed the prayer for bail of the petitioner.

9. The report regarding the present stage of the case as called for from the trial Court has been received. The report discloses that case is running for evidence and four witnesses have been examined. Investigating Officer and the Doctor have remained to be examined for which a letter has been issued to the Sr. Superintendent of Police, Bhagalpur, on 06.06.2025. The trial Court has informed that the trial is likely to be concluded within four months after completion of prosecution evidence.

10. Having regard to the facts and circumstances of the case and the fact that the trial is almost at its fag end, I am not inclined to enlarge the petitioner on bail at this stage.

11. Accordingly, prayer of the petitioner for grant of bail is rejected.

12. The trial Court is directed to take all endeavour to conclude the trial within the time frame as disclosed by it in the report.

(Khatim Reza, J)

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