

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36458 of 2024

Arising Out of PS. Case No.-379 Year-2020 Thana- ALOULI District- Khagaria

Anjani Mandal S/o Amrendra Kumar Pradeep R/o vill - Rampur Alauli,
P.S. - Alauli, Distt. - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Ajay Kumar Thakur, Advocate Ms.Vaishnavi Singh, Advocate Mr.Ritwik Thakur, Advocate
For the State	:	Mr.Pawan Kumar Chaurasia, APP
For the Informant	:	Mr.Y.C. Verma, Sr. Advocate Mr.Adarsh Singh, Advocate Mr.Vikash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

17 12-09-2025 Heard Mr. Ajay Kumar Thakur, learned counsel duly

assisted by Ms. Vaishnavi Singh, learned counsel appearing

on behalf of the petitioner, Mr. Yogesh Chandra Verma,

learned senior counsel for the informant and learned A.P.P.

for the State.

2. The accused/petitioner seeks bail in connection

with Alauli P.S. Case No. 379 of 2020 registered for the

offences under Sections 302, 307, 342/34 of the Indian

Penal Code and section 27 of the Arms Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 08.03.2022.



4. Allegation against the petitioner is to murder the son of the informant by causing fire-arm injuries alongwith co-accused persons due to previous enmity arising out of land dispute.

5. It is submitted by Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner that informant and his nephew projected themselves as an eye witness of the occurrence, which appears *prima facie* questionable in view of statement of one witness namely, Sanjiv Kumar Mandal, whose statement was recorded during investigation under paragraph 183 of the case diary, where he stated that the informant received information *qua* occurrence at 10:30 A.M. while he was crossing river on his boat.

6. Mr. Thakur submitted that only after receiving aforesaid information, the informant rushed towards the place of occurrence and, therefore, the narration as set out through FIR that the occurrence took place at 7:30 A.M. is apparently false on its face.

7. It is further submitted by Mr. Thakur that when



call detail report of nephew of informant namely, Prince Hitler, was obtained, it was found that he was in conversation with the deceased at about 8:23 A.M. on the date of occurrence and, therefore, his statement that he witnessed the occurrence which was committed at 7:30 A.M. appears *prima facie* doubtful also. It is submitted that implication of petitioner is in the background of land dispute and previous enmity.

8. While concluding argument, Mr. Thakur submitted that investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. Explaining criminal antecedent of the petitioner, Mr. Thakur further submitted that petitioner found involved in seven criminal cases, where the final form was submitted in one case and, as such, effectively only six criminal cases are pending against him, where he is on bail.

10. Arguing further, it is submitted that petitioner is in custody since 08.03.2022 i.e. more than three and half years and even charge could not framed by the learned trial



court which is sufficient to suggest that trial is not likely to be concluded in near future and such inordinate delay to start trial is also suggesting *prima facie* violation of right of speedy trial of petitioner as available under Article 21 of the Constitution of India. In support of his submission, Mr. Thakur, relied upon legal report of Hon'ble Supreme Court as available through **Hussainara Khatoon & Ors Vs. Home Secretary, State of Bihar [1980 (1) SCC 98]**.

11. Learned A.P.P. for the State opposes the prayer of bail.

12. Mr. Yogesh Chandra Verma, learned senior counsel appearing for the informant submitted that informant and other eye witnesses have supported the alleged occurrence. It is submitted that difference of time *qua* occurrence is of hardly two hours, as submitted aforesaid, which may be a normal human error out of memory and for said sole reason the status of informant and other witnesses as eye witness of the occurrence cannot be viewed with doubt. However, Mr. Verma, could not disputed the custody period of the petitioner and delayed progress of trial.



13. In view of aforesaid factual submission and by taking note of the fact as *prima facie* the version of informant claiming to be an eye witness of the occurrence in view of previous enmity and land dispute appears questionable as discussed aforesaid, coupled with the fact that petitioner remains in custody since 08.03.2022 i.e. three and half years, where even charge could not frame by the learned trial court suggesting that trial of this case is not likely to be concluded in near future, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, in connection with Alauli P.S. Case No. 379 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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