

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49893 of 2025

Arising Out of PS. Case No.-520 Year-2021 Thana- AMARPUR District- Banka

Upendra Mandal S/O Gujru Mandal @ Gujra Mandal @ Garaju Chauhan, R/o
Vill.- Kajra, P.S.- Amarpur, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate.

For the Opposite Party/s : Ms. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 29-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No.690 of 2023 arising out of Amarpur P.S. Case No.520 of 2021 for the offences registered under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that this is the third bail petition filed on behalf of the petitioner. Earlier, the prayer for bail of petitioner was rejected twice by this Court vide order dated 11.01.2024 passed in Cr. Misc. No.82115 of 2023 and 20.09.2024 passed in Cr. Misc. No.58994 of 2024. He further submits that both the parties are close relative and there is land dispute between the parties for which there is case and



counter case between the parties. Learned counsel submits that out of seven witnesses only three witnesses have been examined by the prosecution. Petitioner is in custody since 20.08.2023. He submits that petitioner shall co-operate in the trial.

4. Learned A.P.P. appearing on behalf of the State vehemently opposes the prayer for grant of bail to the petitioner and submits that the regular bail of petitioner was earlier rejected twice on merit vide orders dated 11.01.2024 & 20.09.2024 and no fresh ground is made out for grant of bail to the petitioner. He further submits that there is direct allegation of gun shot injury on the informant, therefore, the petitioner does not deserves the privilege of regular bail.

5. A report was called for regarding the stage of trial vide order dated 25.07.2025 which was received and as per the report dated 30.07.2025 submitted by the Trial Court, three witnesses out of seven charge-sheeted witnesses have already been examined. PW-3 was examined on 09.07.2025 and the trial is in progress.

6. It is well settled that once the trial commences, it should be allowed to reach to its final conclusion which may either result in conviction of the accused or acquittal of the accused. The accused has the right to have a speedy trial.



7. Having considered the facts and circumstances of the case as well as the allegation of gun shot injury on the informant and also the facts that earlier the bail petition of the petitioner was rejected twice on merit and in the trial the prosecution has examined a significant number of witnesses, this Court is not inclined to grant bail to the petitioner. Accordingly, the bail petition of the petitioner is dismissed.

8. The learned Trial Court is directed to expedite the trial and conclude the same at earliest in view of the custody period of the petitioner.

(Sunil Dutta Mishra, J)

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