

In the court of Addl. Sessions Judge-III, Munger
S.T. No. 177 of 2018
Bablu Mandal & Others Vs. State of Bihar

16-09-2019

Heard the learned counsel for the petitioner and the learned P.P. on behalf of State on bail application filed on behalf of petitioner Bablu Mandal who is lying in custody since 19.03.2018 in connection with S.T. No. 177/18 arising out of Sangrampur P.S. case No. 50/2018 instituted U/S 302, 307, 341, 504/34 of IPC.

Prosecution story in short is that all the FIR named accused persons along with this petitioner came to the house of informant armed with 'Lathi' 'Khanti' and 'Gadasha' and asked the father of the informant why he has prevented the dog from barking. Thereupon, the accused persons along with this petitioner abused him and assaulted him with 'Lathi' 'Khanti' and 'Gadasha', which caused serious injury on head and the father of the informant fell down. It is also alleged that when the mother of the informant and the informant himself came to save the father of the informant, they were also assaulted by the accused persons including this petitioner i.e. the FIR named accused persons. Hence, the case.

It is submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case on account of previous enmity. He submitted that earlier the Hon'ble High Court, Patna has rejected the bail application vide Cr. Misc No. 37035/18 on 21.08.2018 of this petitioner with a direction to 'expedite and conclude trial within a period of one year'. But the trial of this case has not been concluded as yet and the petitioner remained in custody for one and a half year. It is further submitted that in this case only two witnesses have been

examined and one of them has been declared hostile by the prosecution. From the perusal of statement of one witness P.W.1, it is stated that there was enmity with the accused with regard to "Gali" since 20-25 years and it is also stated in the statement of P.W.1 that the petitioner was armed with 'Khanti' but no such injury was found either on the person of injured or on the body of deceased and the deceased died after the treatment at his home. It is apparent that the evidence of P.W.1 is not consistent with the prosecution case. Hence, he be granted bail.

Ld. P.P. for the informant opposed the prayer and submits that the case is of serious nature U/S 302, 307 341, 504/34 of IPC and previous bail application of this petitioner vide Cr. Misc. No. 37035/18 has already been rejected by the Hon'ble High Court, Patna. The trial is at the threshold of conclusion. Hence, the petitioner do not deserve bail.

Perused the record, Case Diary & injury report.

From the perusal of record, Case Diary and injury report it is clear that it is case U/S 302, 307 341, 504/34 of IPC and the same is serious in nature and during the course of treatment the victim died and the previous bail petition of petitioner vide Cr. Misc. No. 37035/18 has already been rejected by the Hon'ble High Court, Patna and their trial is at the threshold of conclusion. Hence I am not inclined to grant him bail.

Under the facts and circumstances set forth above I do not find it proper to grant bail to the petitioner Bablu Mandal. Accordingly, his prayer for bail stands **rejected**.

Dictated

Addl. Sessions Judge-III,
Munger
16-09-2019.

