

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4212 of 2015

Arising Out of P.S. Case No. -143 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

Sudhir Mahton, Son of Bengo Mahto @ Ramji Mahto, Resident of vill-
Shokhara-2, P.S. - Phulwaria, Distt. - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Sunil Kumar Thakur, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-03-2015

Heard both sides.

The petitioner seeks bail in a case under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant, wife of the deceased, alleged that
Jwala Mishra, Sudhir Mahton (the petitioner) and Rohit Mahto
along with two unknown persons came to her house and took her
husband. After some time, she heard that her husband was killed.

Learned counsel for the petitioner submits that the
petitioner is, of course, named in the F.I.R., but the petitioner is
not alleged to have killed Kolet Tiwary, the husband of the
informant. Jwala Mishra confessed his guilt and disclosed that it
was he who fired causing death of Kolet Tiwary in the house of
Sudhir Mahton, the petitioner. It is submitted that the petitioner is
in jail since 18.09.2014.

On perusal of the record, it appears that the petitioner along with Jwala Mishra and Rohit Mahton and two other unknown persons called the husband of the informant. The witnesses, in paras 48 and 49 of the case diary, disclosed that they heard the sound of firing inside the house of the petitioner. They also saw the petitioner and Jwala Mishra taking out the dead body of Kolet Tiwary from the house of the petitioner.

It appears that the police found one empty cartridge from the house of the petitioner. It appears that the Kolet Tiwary was killed inside the house of the petitioner. Hence, I am not inclined to enlarge the petitioner on bail at this stage in Phulwaria P.S. Case No. 143/2014. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt / production of this order.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

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