

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29764 of 2015

Arising Out of PS.Case No. -34 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Jai Prakash Mahto Son of Harihar Mahto resident of village - Bahadurpur,
P.S. Darpa, Distt. - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar

For the Opposite Party : Mr. Navin Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015 Heard the counsel for the petitioner and counsel for the
State.

The petitioner is languishing in jail since 08.03.2015 in
a case instituted under Sections 364, 302 and 201/34 of the Indian
Penal Code and Section in connection with Raxaul P.S.Case
No.34 of 2015 pending in the Court of SDJM, Raxaul at Motihari,
East Champaran.

As per allegation, it is a case of abduction and
thereafter murder of informant's son, namely, Raushan Raj who is
aged about five years by the accused persons.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 08.03.2015. Chargesheet has
been submitted in the case. Petitioner has got no criminal
antecedent. There is no allegation of tampering of evidence

against the petitioner. Petitioner is not named in the FIR nor he has been named in the re-statement made by the informant nor he has been named in the protest petition. The name of the petitioner has come after a period of two months on the basis of a confession of a juvenile, i.e., on 15.04.2015 on the basis of which, the petitioner has been made accused in the present case. Except for the same, there is no other material to suggest his implication in the present case.

On behalf of the State and counsel for the Informant, it has been submitted that the petitioner is not named in the FIR but subsequently in course of investigation it has come that due to property dispute the victim boy has been abducted and subsequently done to death.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is rejected.

Anyhow, the court below is directed to take all necessary steps to conclude the trial of the petitioner preferably within a period of nine months from the date of receipt/ production of the order.

(Sudhir Singh, J)

B.Kr./-

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