

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23946 of 2016

Arising Out of PS.Case No. -179 Year- 2014 Thana -KHODAWANDPUR District- BEGUSARAI

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Umesh Mahto s/o Late Ram Narayan Mahto Resident of Village Chakwa
Police Station Khodabandpur District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 09-11-2016 Heard both sides.

The petitioner seeks bail in Khodawandpur P.S. Case No. 179/2014, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that there is no specific allegation of firing against the petitioner. Four persons including the petitioner are alleged to have made firing causing the death of the husband of the deceased.

It is submitted that there is no eye-witness of the occurrence. It appears that Umesh Mahto (petitioner), Mukesh Mahto, Lalan Sharma, Suresh Paswan and Mithilesh Mahto are named in the F.I.R. and they are alleged to have made

indiscriminate firing causing death of the husband of the deceased on the spot. The husband of the deceased got fire-arm injury. The petitioner has also got criminal antecedent. The petitioner is in jail only since 08.08.2014 and hence prayer for bail of the petitioner is rejected.

Considering the facts aforesaid and the fact that petitioner is in jail for around two and half years, the trial court is directed to expedite the trial and hold the same on day-to-day basis so that the trial must be concluded within nine months from the date of receipt/production of a copy of this order. The Superintendent of Police, Begusarai is also directed to ensure the presence of all the non-examined prosecution witnesses of Khodawandpur P.S. case no. 179/14 corresponding to Sessions Trial no. 102/15 pending in the court of Additional District & Sessions Judge 6th Begusarai, so that the trial must be concluded within nine months from today.

Let a copy of this order be also sent to the Additional District & Sessions Judge 6th and the Superintendent of Police, Begusarai for information and needful.

(Prabhat Kumar Jha, J.)

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