

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25093 of 2016

Arising Out of PS.Case No. -90 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

1. Harendra Mahto Son of Late Shyam Deo Mahto, resident of village Rup Chhapra, Police Station- Sahebganj, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has renewed his prayer for bail in connection with Sessions Trial No. 761 of 2014 arising out of Sahebganj P.S.Case No. 90 of 2014 registered under Sections 341, 448, 302, 504/34 of the Indian Penal Code and 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected by this Court vide order dated 16th October, 2014 passed in Cr.Misc. No. 36695 of 2014.

It is submitted by the learned counsel for the petitioner that though the petitioner is in custody since 3rd June, 2014, the official witnesses, such as, the Doctor and the

Investigating Officer of the case have yet not been examined. He submits that there is no likelihood of conclusion of the trial in near future and the petitioner should not be detained in custody for an indefinite period as an under-trial prisoner.

Opposing the application for grant of bail to the petitioner, Mr. Arun Kumar Pandey, learned counsel for the State submits that there is direct and specific allegation against the petitioner to have fired causing injury to the brother of the informant in his abdomen as a result of which he died. He has assured the Court that the prosecution would take all possible steps to examine the remaining witnesses during trial as early as possible, preferably within nine months from today.

Considering the submission advanced at the Bar and the serious allegation made against the petitioner, I am not inclined to take a different view of the matter. Accordingly, the application for bail is rejected.

The prosecution is directed to produce its witnesses within the time stipulated herein. The trial court shall also take endeavour to dispose of the case expeditiously.

(Ashwani Kumar Singh, J)

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