

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26432 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. RAMNATH MAHTO @ RAM NATH MAHATO Son of Sukhdeo
Mahto, Resident of village - Jawahirpur, P.S. Lauriya, District - West
Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 21-12-2016 A supplementary affidavit has been filed on behalf of
the petitioner. Same be kept on the record.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 147, 148, 149, 341, 342, 323, 324, 307
and 302 of the I.P.C.

It has been submitted that the application under Section
227 Cr.P.C. has already been disposed of by the trial court.

Earlier the bail application of the petitioner was
rejected vide Annexure-1 to the present application. It was further
directed that if so advised the petitioner may renew his prayer for
bail after completion of one year in custody from 15.5.2015. The



trial court was also directed to take all necessary steps to expedite the trial of the case.

A report was called for from the trial court. It was reported that the trial could not proceed because the petition filed on behalf of the petitioner under Sections 227 and 228 Cr.P.C. was being kept pending by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.5.2015. He has already remained in custody for 19 months. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. He is aged 75 years. No specific injury has been attributed against him. There is land dispute between the parties. It has further been submitted that the petitioner will co-operate during the trial, failing which the trial court will be at liberty to cancel his bail.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and the alleged occurrence is said to have taken place in the house of the petitioner but admittedly there is no eye witness to the alleged occurrence.

Considering the aforesaid facts and circumstances and the age of the petitioner and the period of custody, it is directed that the petitioner above named be released on bail on furnishing



bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, West Champaran at Bettiah in connection with Sessions Trial No.426 of 2015 arising out of Lauriya P.S. case No.96 of 2015. It is further directed that the petitioner shall co-operate during the trial. If the trial court feels that the petitioner is not co-operating in the trial the trial court will be at liberty to cancel the bail of the petitioner.

(Sudhir Singh, J)

Narendra/-

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