

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58577 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -BARARI District- KATIHAR

Jhaksu Mandal @ Jhaksu Mahto Son of Ram Pravesh Mahto R/o Village
Pokhat Tola, Barari Police Station Barari, District Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan , APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 03-03-2016

Heard learned counsel for the petitioner and
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Barari
P.S. Case No. 72 of 2015 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

Allegedly, Amar Nath Mahto, the husband of the
informant, went with the petitioner and the husband of the
informant informed telephonically also that he is with the
petitioner Jhaksu Mahto and will return in one hour but when he
did not return then again the informant made call and then the
husband of the informant told that with the petitioner altercation
has taken place and it is alleged that with the petitioner

Chanchal Mahto and Arun Mahto were also there and later on the husband of the informant was found having injuries and he was brought to referral Hospital, Barari where during treatment he died.

Submission is of false implication and that there is no eye-witness of the occurrence, he is in custody since 08.06.2015, charge-sheet has already been submitted and two co-accused Arun Mahto and Chanchal Mahto have already been allowed bail by another co-ordinate bench of this Court and as such, the petitioner also deserves sympathetic consideration, to which the learned APP opposes by submitting that before death Amar Nath Mahto has stated the name of the petitioner as the assailant and further he was with the deceased taking drink and for that he has referred paras 47 and 48 of the case diary.

In the facts and circumstances stated above, considering the case of the petitioner on different footing from that of Arun Mahto and Chanchal Mahto as the deceased had gone with the petitioner and the petitioner was seen with the deceased taking drink and further before the death he has taken the name of the petitioner also and as such, this Court is not inclined to enlarge the petitioner on bail at this stage and accordingly, his such prayer stands rejected.

However, considering the detention of the petitioner,
let the trial be expedited and concluded ***preferably within six months.***

(Jitendra Mohan Sharma, J.)

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