

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33874 of 2016

Arising Out of PS.Case No. -31 Year- 2009 Thana -KHANPUR District- SAMASTIPUR

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1. Ritlal Mahto, Son of Late Bhaso Mahto, Resident of Village:- Gopalpur, P.S.:- Bacchwara, District:- Begusarai.
 2. Shyamlal Mahto, Son of Late Muneshwar Mahto, Resident of Village:- Chakki Gopalpur, P.S.:- Bacchwara, District:- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 25-10-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The alleged occurrence took place in the year 2009 and petitioners could be remanded in this case in the year 2016. Although, learned counsel for the petitioners points out that except two witnesses, not a single witness has claimed to have seen the petitioners in the company of deceased and, as a matter of fact, the minor girl, who had gone along with the deceased prior to the alleged occurrence, has also not named the petitioners but from perusal of Paragraphs- 14 and 15 of the case diary, it appears that two witnesses have claimed to have seen the petitioners going with the deceased along with the other F.I.R. named accused.

Moreover, the trial of the petitioners could not commence due to none co-operation of the petitioners as they did not surrender in this case and they could be arrested after seven years of occurrence. However, one co-accused has already been acquitted.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I do not feel it proper to release the petitioners on bail and, accordingly, the prayer of the petitioners for bail in connection with Khanpur P.S.Case No. 31 of 2009, trial no. 1966 of 2016, pending in the court of Additional Chief Judicial Magistrate-III, Samastipur, stands rejected.

However, it is informed that trial of the petitioners has already commenced and, therefore, trial court should expedite the trial of the petitioners and try to conclude the same as early as possible, preferably, within six months from the date of receipt/ production of a copy of this order, failing which petitioners may renew their prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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