

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56829 of 2015

Arising Out of PS.Case No. -150 Year- 2011 Thana -SONBERSA District- SITAMARHI

1. Chandani Mahto @ Chandaniya Son of late Sonelal Mahto Resident of Village-Hari Bela , P.s Bathnaha, District Sitamarhi,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This is the fifth attempt seeking regular bail by the petitioner, who is in custody since 12.11.2011 for a case registered as Sonbarsa P.S.Case no. 150/2011, Sessions Trial No. 43 of 2012/216 of 2012 for the offences punishable under Sections 399/402 of the Indian Penal Code and Section 25 (1-B) A, 26/35 of the Arms Act.

The prosecution case as per the written report of the informant, Rita Kumari, Station Head officer of Sonbarsa P. S. on 11.11.2011 is that in course of patrolling, received secret information on her mobile that near the hut of Sukheshwar

Mukhiya, situated at Eastern bank of Adhwara river, the accused Chandani Mahto, Pappu Sahni and other miscreants were planning to commit crime having armed with weapons.

It is further alleged that on such information, she along with other police personnel proceeded towards village and surrounded the miscreants and after seeing the police party, the miscreants tried to flee away but police force arrested accused Chandani Mahto and one unknown whereas the other accused persons namely, Pappu Sahni, Laloo Paswan and Santosh Rai fled away. It is further alleged that the said unknown miscreant disclosed his name Nand Kishore Sah. After search, one carbine loaded with magazine was recovered from right hand of Chandani Mahto and one loaded country made pistol from his waist of 8 m. m. bore and 7 live cartridges from the belt and 5 live carbine magazine of 9 m. m. bore have been recovered from the right pocket of the pant of petitioner Chandani Mahto @ Chandaniya and from the possession of Nand Kishore Sah, a country made pistol and a Nokia mobile set was recovered and on query, the arrested accused persons did not give satisfactory reply.

However, bail application have been rejected by this Court earlier, bearing Cr. Misc. No. 9132/2012 dated 03.12.2012, Cr. Misc. No. 21060/2013 dated 18.09.2013, Cr. Misc. No. 42217/2014 dated 19.11.2014 and Cr. Misc. No. 16352/2015 dated 12.08.2015. In the bail application preferred bearing Cr. Misc. No.

21060/2013 this Court called for a report from the Trial Court which stated that the case would be disposed of within a year. Again yet another report was sent by the Trial Court in Cr. Misc. No. 42217/2014 stating therein that trial would be concluded within three months.

It has been submitted by the learned counsel for the petitioner that although that the petitioner is languishing in jail custody since last more than four years but till date the trial has not been concluded in fact, there are some witnesses, who are yet to be examined.

It has been submitted by the learned A.P.P. for the State that apart from being accused in the present case, the petitioner is accused in other cases also i.e. in Bathnaha P.S.Case No. 51 of 2004 under Section 392 of I.P.C. and Sahiyara P.S.Case No. 28 of 2002 for offence under Section 302 and other Sections.

Be that as it may, let the above named petitioner, Chandani Mahto @ Chandaniya be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of 1st Additional Sessions Judge, Sitamarhi in connection with S.T. No. 43 of 2012 of 216/12 (arising out of Sonbarsa P.S.Case No. 150 of 2011).

However, since the petitioner has criminal antecedents, if in future the petitioner is found to be involved in case of similar nature, the learned court below will take steps

including the cancellation of bail bond of the petitioner without
being prejudiced by this order.

(Nilu Agrawal, J)

