

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36329 of 2017

Arising Out of PS.Case No. -343 Year- 2005 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Shambhu Mahto, son of Ramchandra Mahto, Resident of Village-
Naurangia, Police Station- Manuapul, District- West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 10-08-2017

Heard learned counsel for the petitioner and

the learned Additional Public Prosecutor for the State.

Petitioner, in the present case, is seeking regular bail in connection with Sessions Trial no. 405 of 2006 arising out of Bettiah mufasil P.S. Case No. 343 of 2005 registered for the offence punishable under Sections 302, 109/34 of the Indian Penal Code pending in the court of learned Additional District & Sessions Judge – 5th, Bettiah, District – West Champaran.

Learned counsel for the petitioner submits that in the present case earlier the petitioner was granted the privilege of bail by this court vide order dated 26.09.2006 passed in Cr. Misc. No. 34639/2005 and the petitioner was taking appropriate steps towards



appearance/representation on the date fixed by the Trial Court, however, the petitioner could not appear on 21.02.2017, when the case was fixed for argument by the defence side, as a result thereof his bail bond has been cancelled by the trial court. The petitioner was arrested on 09.06.2017 by police and since then he is in custody.

Learned Additional Public Prosecutor for the State opposes the prayer for bail of the petitioner. It is submitted that from perusal of the impugned order itself it would appear that it is an old murder case of the year 2005 in which charges were framed on 02.09.2006 and the prosecution evidence was closed on 03.08.2011, thereafter, the accused was examined under Section 313 Cr.P.C. on 18.08.2011.

Learned Additional Public Prosecutor submitted that in fact the case is pending after 313 Cr.P.C. statement for the last six years. On perusal of the record, this court finds that virtually the case is on the verge of conclusion as only defence argument has remained to be done.

The conduct of the petitioner that he was not appeared on 21.02.2017 and thereafter remained



absconding until he was arrested by the police on 09.06.2017, does not permit this court to allow the privilege of bail to the petitioner at this stage. There is an apprehension that the petitioner if released may not cooperate in conclusion of the trial.

In the facts and circumstances stated above, this court deems it just and proper to direct the trial court to fix a date of hearing for defence argument and on the said date, if any other accused is found not cooperating in trial, the trial court can take appropriate steps in accordance with law and shall conclude the trial within a period of three months from the date of production of a copy of this order.

Accordingly, this application stands dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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