

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53195 of 2016

Arising Out of PS.Case No. -248 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

=====

Subodh Mahto, Son of Anandi Mahto, Resident of village - Oraiya, Police
Station and District - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per allegation, it is a case of murder of
informant's niece, namely Gopal Mandal by the accused persons
regarding irrigating in the field.

Earlier the bail application of the petitioner was
rejected vide Annexure-1 to the present application with the
direction to the court below to conclude the trial preferably within
a period of one year from the date of receipt/production of the
order.



A report was called for from the trial court. It has been reported that out of 12 prosecution witnesses, 8 prosecution witnesses have already been examined and only two official and 2 non-official witnesses are yet to be examined.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.07.2014. There is no motive alleged against the petitioner for commission of alleged offence. The time of occurrence is said to be 7.10 P.M. and no source of identification has been disclosed by the informant. The deceased was a notorious criminal.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R. He is the main assailant, causing firearm injury upon the chest of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 10 of 2015, arising out of Lakhisarai P.S. Case No. 248 of 2014, pending in the court of learned 1st Additional District and Sessions Judge, Lakhisarai.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of 9 months from the date of receipt/production of this order.

The District Magistrate, Lakhisarai and the



Superintendent of Police, Lakhisarai are directed to ensure that the remaining four prosecution witnesses are produced in the court on the date fixed by the court below, so that the trial could be concluded within the stipulated period, as indicated by the court below.

Let a copy of this order be communicated to the District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

