

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2309 of 2017

Arising Out of PS.Case No. -459 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

=====

Nagina Mahto, son of Late Bhabhikshan Mahto, resident of village- Jha
Mathiya, P.S. Majhauriya, District -West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Vijay Kr Singh No. 1, Advocate.

For the Opposite Party : Mr. Rajesh Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 18.02.2016
in connection with Sessions Trial No. 396 of 2016, arising out of
Majhauriya P.S. Case No. 459 of 2015 for the offences instituted
under Sections 147, 149, 341, 323, 307 and 504 of the IPC.
Subsequently, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that this petitioner
alongwith other co-accused persons assaulted the informant with
Lathi and Phata etc., causing injuries upon the informant.
Thereafter, he was admitted in the hospital and during the course
of treatment, he died.

The earlier bail application of the petitioner was rejected



vide Cr. Misc. No. 19549 of 2016 dated 26.05.2016 with a direction to the court below to conclude the trial preferably within a period of six months from the date of receipt/production of copy of the order. While rejecting the case of the petitioner it was further considered that the bail of other co-accused, namely, Rozy Mian, has also been rejected. The subsequent bail application preferred on behalf of other co-accused, namely, Rozy Mian, has also been rejected vide Cr. Misc. No. 49892 of 2016 dated 30.11.2016. It was submitted on behalf of learned counsel for the present petitioner, namely, Nagina Mahto, that from perusal of the postmortem report, it appears that there are two external injuries on the body of the deceased.

It has been submitted on behalf of learned counsel for the informant that a wrong submission had been made on earlier occasion on behalf of the petitioner as to when there are seven external injuries on the body of the deceased. Admittedly, learned counsel for the petitioner on the earlier occasion had tried to mislead this Court by submitting incorrect submission.

A report was called for from the court below regarding the stage of the case. It has been reported that the charge has already been framed in the case and six charge sheeted witnesses are to be examined on behalf of the prosecution. It is expected that the trial will be concluded within a period of six months.



On behalf of learned counsels for the State and the informant, it has been submitted that out of the said six witnesses, three witnesses have already been examined.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Sessions Trial No. 396 of 2016, arising out of Majhauriya P.S. Case No. 459 of 2015, pending in the court of learned 5th Additional Sessions Judge, West Champaran at Bettiah. Anyhow, the learned court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate, West Champaran at Bettiah and the Superintendent of Police, West Champaran at Bettiah, are directed to ensure that the prosecution witnesses are produced on the date fixed by the trial court so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, West Champaran at Bettiah and the Superintendent of Police, West Champaran at Bettiah.

U.K./-

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

(Sudhir Singh, J)

