

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51939 of 2016

Arising Out of PS.Case No. -198 Year- 2015 Thana -JALE District- DARBHANGA

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1. Brahmdeo Mahto Son of Surendra Mahto, Resident of Village-
Narauchha, Police Station-Jalley, Dist- Darbhanga,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-01-2017 It is submitted on behalf of the petitioner that there is delay in lodging F.I.R. of three months and no explanation has been given for that. Apart from that in this case, the informant and other witnesses have been examined. During the course of trial, all of them have been declared hostile by the prosecution as they have not supported the prosecution case.

It is further submitted that the petitioner is in custody since 18.5.2016 and all the witnesses have been examined in the case, as such there is no chance of conviction of the petitioner, hence, he may be released on bail.

Heard learned A.P.P. also, who has opposed the prayer for bail stating that in Para-8 of the case diary, Shatrughan Kumar is the named accused in this case who was examined by the police and he stated that the petitioner has indiscriminately assaulted the deceased due to which the deceased died and Para 43 of the case post mortem report also shows that due to injury No.2



caused by hard blunt substance, the deceased died.

Having heard both sides. Though the submission as advanced by the learned counsel for the petitioner shows that Shatrughan Kumar and other witnesses have been examined and they have been declared hostile as they have not supported the prosecution case and it is further submitted that the petitioner is in custody for about eight months and the allegation have not been supported by Shatrughan Kumar and other witnesses, in such a situation, I think it proper that let the petitioner move for bail again before the learned court below concerned itself, who will examine this aspect of the matter that the witnesses have not supported the case of the prosecution and the petitioner is in custody for about eight month and considering this aspect of the matter, the court below will dispose of the bail application of the petitioner without being prejudiced by the order of this Court.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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