

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.22415 of 2017**

Arising Out of PS.Case No. -185 Year- 2015 Thana -TARIYANI CHOWK District- SHEOHAR

- =====
1. Dilip Mahto, son of Kishori Mahto,
  2. Santosh Mahto, son of Kishori Mahto, Both residents of Village- Sarwarpur, P.S.- Tariyani, District- Sheohar.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Satish Chandra, Advocate.

For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      12-07-2017                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners are languishing in custody since 06.06.2016 in connection with Tariyani P.S. Case No. 185 of 2015 for the offences instituted under Sections 366(A)/34 of the IPC. Later on, Sections 302, 376(D), 120(B)/34 of the IPC, 4 of POCSO Act and 3 (i)(xii) of the SC/ST (Prevention of Atrocities) Act were also added.

The prosecution story, in brief, is that on 02.12.2015 at about 10.00 P.M., Sanju Kumari had come to house of the informant to call her daughter, namely, Rani Kumari, but the informant not allowed her daughter to go with Sanju Kumari and



again at 11.00 P.M. Sanju Kumari called her daughter and she taken with her. Further allegation is that till next day morning, the informant's daughter not came back and search was made. It is further alleged that under conspiracy, her daughter was kidnapped by Sanju Kumari, Santosh Mahto, Dilip Mahto, Kishori Mahto and Malti Devi. On 11.12.2015 at 10.30 A.M., it was learnt that a dead body of a girl is lying in the pond containing *Jalkumbhi* of Ram Babu Rai and when the informant and her family members went there, they identified the dead body of Rani Kumari and body was necked in lower part of the body.

Earlier the bail application of the petitioners was rejected vide Cr. Misc. No. 33471 of 2016 on 27.09.2016 taking into account the heinous crime committed by the accused persons where the victim was abducted and committed rape upon her and thereafter she was murdered. This is a second attempt on behalf of the petitioners for grant of bail.

A report was called for from the court below regarding the stage of the case. It has been reported that if both parties co-operate with the court then the trial of the said case may be concluded within eight months after appearance of the accused persons. .

Considering the aforesaid facts and circumstances and



nature of offence, I am not inclined to grant bail to the petitioners. The same is rejected in Tariyani P.S. Case No. 185 of 2015, pending in the court of the learned C.J.M., Sheohar.

Anyhow, the learned court below is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of the order.

The District Magistrate, Sheohar and the Superintendent of Police, Sheohar, are directed to ensure that the 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.

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

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**(Sudhir Singh, J)**

