

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9873 of 2018

Arising Out of PS. Case No.-189 Year-2016 Thana- UDWANTNAGAR District- Bhojpur

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Bharat Mahto S/o Bhola Mahto @ Bhola Nath Singh, R/o Village- Bibiganj,
Post Bampali, P.S.- Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the
State.

This is the second round of litigation. Earlier
the prayer for bail of the petitioner was rejected vide order
dated 25.07.2017 passed in Cr. Misc. No. 26285 of 2017.
Petitioner is languishing in judicial custody since
17.08.2016 in connection with Sessions Trial No. 214 of
2017, arising out of Udwant Nagar (Gajrajganj) P.S. Case
No. 189 of 2016 pending in the Court of learned 2nd
Additional Sessions Judge, Bhojpur at Arrah registered for
the offence punishable under Sections 302/34 of the Indian



Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that while he had gone to attend the marriage of a relative, three accused persons armed with country made pistol, shot at the son of the informant. Allegation upon the petitioner is of firing on the chest while another co-accused Manoj Yadav fired on the head and co-accused Kunwar Mahto fired, which hit on the hand of the deceased.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case.

However, learned counsel for the informant opposes the prayer for bail stating therein that the informant is the eye-witness to the alleged occurrence. Learned A.P.P. for the State also opposes the prayer for bail.

A report was called for from the Court of the Additional Sessions Judge-II, Bhojpur at Ara, who has stated that the trial is likely to conclude within ten months.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. This application is rejected.

However, learned trial court is directed to



conclude the trial within six months. If the trial is not concluded within six months, petitioner is at liberty to renew his prayer for bail.

(Nilu Agrawal, J.)

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