

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24563 of 2018

Arising Out of PS.Case No. -132 Year- 2015 Thana -SIKANDARA District- JAMUI

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Abdhesh Mahton @ Awadhesh Mahton S/o Late Besar Mahto, R/o Village-
Kurhadih, P.S.- Sikandra, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 25-04-2018 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner wants to renew his prayer for bail
which was earlier rejected by order dated 04.05.2016 passed in Cr.
Misc. No. 15510 of 2016 which was disposed of with Cr. Misc.
No. 11399 of 2016, on the ground that the petitioner is suffering in
custody since 11.11.2015, there is no specific allegation against
the petitioner, the allegations are omnibus and general, five
prosecution witnesses have turned hostile and similarly situated
co-accused Bablu Mahto @ Bablu, Sofendra Mahto and Naresh
Mahto have been allowed bail and as such the petitioner deserves
sympathetic consideration.

The learned A.P.P. duly assisted by the learned



counsel for the informant opposes prayer for bail of the petitioner by submitting that the case of the petitioner is on different footing as he was armed with sword and the neck of the deceased was found cut. Four prosecution witnesses have supported the prosecution version, the informant has already surrendered and he will depose in the case and as such the trial is likely to be concluded, further the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, finding the case of the petitioner on the different footing to those co-accused who have been allowed bail, at present I am not inclined to release the petitioner on bail and accordingly his such prayer stands rejected in connection with S.T No. 74 of 2016 arising out of Sikandra P.S. Case No. 132 of 2015 pending in the court of Additional Sessions Judge-II, Jamui.

However, the learned trial Court is directed to expedite the trial and to conclude the same as early as possible preferably within a period of four months after keeping the same on the priority basis, failing which the petitioner, if at no fault, may be at liberty to renew his prayer for bail. The informant is directed to cooperate during trial.

(Jitendra Mohan Sharma, J)

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