

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8930 of 2018

Arising Out of PS. Case No.-9 Year-2015 Thana- KATEYA District- Muzaffarpur

1. Umesh Mahto
2. Dinesh Kumar @ Dinesh Mahto @ Madho Mahto, Both sons of Satahu Mahto, R/o Village- Rampur Bheriyahi, P.S. kathaiya, District- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Uday Pratap Singh (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioners and the learned counsel representing the State.

The petitioners wants to renew their prayer of bail which was earlier rejected vide order dated 18.01.2016, and 15.02.2017 passed in Cri. Misc. No. 48246 of 2015 and Cr. Misc. No. 5188 of 2017, on the ground that the petitioners are suffering in custody since 04.03.2015 and 11.03.2015 respectively and in spite of direction of this court the trial has not been concluded within four months, up till now only 10 prosecution witnesses have been examined out of 18 chargesheeted witnesses. One of co-accused Awadh Mahto whose prayer of bail was rejected jointly with the petitioners has already been allowed bail vide order dated 22.11.2017 passed in



Cr. Misc. No. 55669 of 2017 and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that petitioner Awadh Mahto was allowed bail, as on the neck of the deceased the doctor has found no injury and against the petitioner Awadh Mahto there was allegation for assaulting the deceased with Dab on his neck. The case of the petitioners are on different footing.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer of the bail, again prayer of the bail of the petitioners stands rejected in S.Tr. No. 37 of 2016 arising out of Kathaiya P.S. Case No. 9 of 2015, pending in the court of learned Additional Sessions Judge 13th Muzaffarpur.

However, let the trial be expedited and concluded as early as possible, preferably within two months from the date of receipt/production of a copy of this order, failing which the petitioners, if at no fault, may be at liberty to renew their prayer for bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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

