

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5406 of 2019

Arising Out of PS. Case No.-47 Year-2017 Thana- KANGLI District- West Champaran

Santosh Mahto S/o Late Devilal Mahto Resident of Village - Sabaithwa,P.S.-
Kangali, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under
Sections 341, 323, 325, 307/34, 302 of the Indian Penal Code.

The prosecution case, in brief, is that the accused
persons assaulted the informant's brother who sustained injury and in
course of treatment, he died.

Earlier prayer for bail of the petitioner was rejected by a
coordinate bench (then His Lordship was) of this court vide
Annexure-1 to the present application.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
is in custody since 08-10-2017. Charge sheet has already been
submitted. The petitioner has falsely been implicated in the present



case. There is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is specific allegation against the petitioner of assaulting the deceased by Lathi. The deceased succumbed to the injuries, caused by the petitioner and others. The petitioner is said to be one of the assailants. It is further pointed out that the trial is in progress. The prosecution witnesses are being examined. Out of three examined prosecution witnesses, two witnesses have supported the prosecution case.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Kangali P.S. Case No. 47 of 2017 is rejected.

The trial court is directed to take all possible steps to expedite the trial and conclude the same as early as possible, preferably within a period of one year from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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