

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5132 of 2019

Arising Out of PS. Case No.-28 Year-2016 Thana- UJIYARPUR District- Samastipur

Shiv Narayan Mahto @ Shiv Narayan Mahto, s/o Late Chalittar Mahto
Resident of village-Chand Chour Mathurapur, P.S.-Ujiarpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-02-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in S. Tr. No. 99/2017, arising
out of Ujiarpur P.S. Case No. 28/2016, instituted for offence under
Section(s) 302/34 of the Indian Penal Code.

Earlier prayer for bail of petitioner was twice rejected
by this Court. By the later order dated 06.12.2017 passed in Cr.
Misc. No. 50839/2017 trial court was directed to conclude the trial
within six months. Petitioner was given liberty to renew prayer for
bail in the court below itself if trial is not concluded within six
months.

Trial was not concluded within aforesaid period.
Therefore petitioner moved before the court below for grant of bail
but the same was rejected by the impugned order dated 05.09.2018
with observation that trial will be concluded by the end of



September, 2018 or first week of October, 2018.

Trial has not been concluded till date.

In the written report there is allegation that on the order of this petitioner his son Pankaj Kumar assaulted on the head of brother of informant. Thereafter petitioner and other two accused persons also assaulted the brother of informant on his head.

Petitioner is in custody since 16.04.2016.

Keeping in view the period of custody already spent by the petitioner and trial has not been concluded till date even after specific direction by this Court by order dated 06.12.2017 passed in Cr. Misc. No. 50839/2017, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, Dalsingsarai, Samastipur, in connection with S. Tr. No. 99/2017, arising out of Ujiarpur P.S. Case No. 28/2016, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in



cancellation of bail bond of the
petitioner and

(III) if petitioner tamper with the evidence in
the case, prosecution will be at liberty
to move for cancellation of bail bond of
the petitioner.

(Sanjay Priya, J)

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