

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3288 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

Mithun Kumar @ Deepak Mahto Son of Kailash Mahto, Resident of Village-
Yogiveer, P.S.- Jagdishpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR and ORS
2. Addl. Chief Secretary, Social Welfare Dept., Bihar, Patna.
3. Director, Social Welfare Dept. Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha
For the Respondent/s : Mr. Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

8 29-01-2019 Heard learned counsel for the appellant as well as learned
Additional Public Prosecutor.

On account of refusal of bail by the learned lower Court,
instant appeal has been filed in accordance with Section 101 of the
Juvenile Justice (Care & Protection of Children) Act.

The learned counsel for the appellant has submitted that there
happens to be no positive, concrete evidence persisting on record against
the appellant to justify his detention. It has further been submitted that
though there happens to be an allegation that deceased as well as appellant
were love-birds and in the aforesaid background, while they were at the
place of occurrence, deceased died and for that, appellant has been
identified to be the culprit without any supportive incriminating link to
justify the allegation. In worst case, it would be based upon last seen
theory and for that, appellant is entitled for bail.

By way of submitting supplementary counter-affidavit, it has



been submitted at the end of the learned Additional Public Prosecutor that appellant has been shifted to safety home. It has further been submitted that trial is going to commence and more preferably, the prosecution will take sincere effort to have examination of all the prosecution witnesses within three months.

Considering the evidence available on the record, prayer for bail of appellant, for the present, is rejected. Accordingly, instant Cr. Appeal is found devoid of merit and is rejected.

However, it is expected at the end of the prosecution to proceed with the trial expeditiously and will endeavour to examine all the prosecution witnesses within three months while the learned lower Court will try to conclude the trial within another two months. If not, then the learned lower Court will have to submit an explanation. Side by side, appellant will be at liberty to pray for regular bail.

Let a copy of this order be handed over to the learned Additional Public Prosecutor for strict compliance.

(Aditya Kumar Trivedi, J)

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