

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27384 of 2020

Arising Out of PS. Case No.-210 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

CHANDAN MAHTO @ CHANDAN MAHATO Son of Surendra Mahato @
Sundeshwar Mahto Resident of Village - Suratpur, P.S.- Mufassil, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-11-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Muffasil P.S. Case No.
210 of 2019 registered under section 302 and other sections of
the Indian Penal Code.

It is submitted by learned counsel for the petitioner
that the earlier application for bail of the petitioner was rejected
vide order dated 20.11.2019 (Annexure-1) passed in Cr. Misc.
No. 66411 of 2019. It is submitted that the petitioner has
remained in custody since 7.5.2019 and there is no chance of the
trial concluding in the near future. It is further submitted that
from the evidence of the prosecution witnesses PW-1 to PW-6



brought on record, it would transpire that it was Kundan Kumar, who stabbed the deceased. Further referring to the deposition of the witnesses, it is submitted that the case of this petitioner stands on the similar footing to that of Bilat Mahto, who has been enlarged on bail vide order contained in Annexure-1.

The application for bail is opposed by learned APP appearing for the State.

By order dated 21.10.2020, a report was called for from the learned trial Court with respect to the stage of trial and the same has been received. As per the report contained in letter no. 375/20 dated 2.11.2020, seven witnesses out of total eleven prosecution witnesses mentioned in the chargesheet, have been examined. From the report it transpires that no prosecution witness has been examined since 3.2.2020. Report further states that due to Covid-19, the Court is not functioning properly, the case is at the stage of prosecution evidence and once Court starts functioning, the case may be disposed of within six months thereafter.

Taking into consideration the submissions made on behalf of the petitioner together with the fact that as per the prosecution witnesses examined, it is Kundan Kumar and Surendra Mahto, who are stated to be the assailants, the



petitioner being in custody since 7.5.2019 and no prosecution witness having been examined in the last more than nine months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial No. 535 of 2019 (arising out of Mufassil P.S. Case No. 210 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Samastipur.

It is further directed that petitioner shall remain personally present on each date and cooperate in the trial. In case of the petitioner's absence for reasons not to the satisfaction of the learned trial Court, the learned Court below shall proceed to cancel his bail bond and taken him into custody till conclusion of the trial.

(Partha Sarthy, J)

sushma/-

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

