

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28213 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

SANTOSH KUMAR MAHTO @ SANTOSH MAHTO Son of Bishundeo
Mahto, Resident of Village- Shikhri Patti, P.S.- Bisfi, District- Madhubani.
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr.Manoj Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-12-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in A.P.M. P.S. Case No.168 of
2019 registered under Sections 302, 201 and 34 of the IPC.

The Chowkidar of Gram Devipur, District Darbhanga
lodged the case against unknown after recovery of a dead body.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. The name of the petitioner
surfaced in the case during course of investigation and save and
except suspicion, there is no material to show the involvement
of the petitioner, but it appears from perusal of the case-diary, it
appears that the wife of the deceased disclosed in her statement
that her husband borrowed Rs.3 lacs from her father. The
petitioner and Ashok Mahto (*mausera* brother of the deceased)
knew this fact and they hatched a conspiracy. They called the
deceased to manage the remaining money and transfer in the
account of vendor. The accused persons including the petitioner



asked the deceased to come at a particular place and thereafter the accused persons killed the deceased, smashed his face and concealed the dead body in a field. The call details of the petitioner and others also showed that they had talked with the deceased and they had assembled at the place from where the dead body was recovered. The accused persons made confessional statements and the brick with blood stains was also recovered.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Darbhanga is directed to ensure the presence of prosecution witnesses so that the trial must be concluded within nine months.

Let a copy of this order be sent to the trial court as well as the Superintendent of Police, Darbhanga for information and needful.

(Prabhat Kumar Jha, J)

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