

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68604 of 2019

Arising Out of PS. Case No.-49 Year-2012 Thana- NAVINAGAR District- Aurangabad

RAJENDRA PRASAD @ RAJENDRA MAHTO Son of Sheo Shankar Mahto
Resident of Village- Kasauti (Biashrampur), P.S.-Amba, District- Aurangabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-01-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Navinagar P.S. Case No. 49 of 2012 registered under Sections 302/201 of the Indian Penal Code, pending in the court of learned C.J.M., Aurangabad.

Learned counsel for the petitioner submits that the petitioner has been named as an accomplice with the co-accused Santosh Mehta whose wife Urmila Devi was found dead with bodily assault and a case was registered at the instance of the Chowkidar for the offences alleged under Sections 302 & 201 of the I.P.C. Petitioner is in custody on



the basis of the last seen theory since 01.08.2019. It is submitted that the thrust of the allegations are against co-accused Santosh Mehta who was allegedly not happy with his wife and wanted to get rid of.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that this case was lodged as back as on 01.04.2012. Petitioner has surrendered in this case only recently after a lapse of seven years and further in course of investigation there are eye witnesses who have stated that this petitioner was seen along with Santosh Mehta taking away the said deceased Urmila Devi, later on her dead body was recovered. The statement of the two witnesses Sunil Kumar and Ajay Kumar have been read out as eye witnesses.

Considering the facts and circumstances of the case wherein this petitioner has been seen along with the co-accused Santosh Mehta taking away the victim lady and later on her dead body was recovered, there are eye witnesses to the same and further but equally important aspect that the case is of the year 2012, the first anticipatory bail application of the petitioner was rejected on 20.05.2013



but thereafter he did not surrender in the court for a considerable period of over six years which has delayed the trial, this court is not inclined to grant regular bail to the petitioner.

The application is dismissed.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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