

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12356 of 2021

Arising Out of PS. Case No.-50 Year-2016 Thana- MAKER District- Saran
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AMBIKA MAHTO S/O LATE JAGA MAHTO R/O VILLAGE-BADICHAK
DIHI, POLICE STATION-MAKER, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 12418 of 2021

Arising Out of PS. Case No.-50 Year-2016 Thana- MAKER District- Saran
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SHAMBHU SINGH S/o- LATE RAMESHWAR SINGH Resident of Village-
Dadanpur, P.S.- Maker, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 12356 of 2021)

For the Petitioner/s : Mr.Sunil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 12418 of 2021)

For the Petitioner/s : Mr.Sunil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have renewed their prayer for bail in connection with a case registered under sections 386, 399, 402, 120B and 387 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act, sections 4 and 5 of the Explosive



Substance Act and sections 16(1)(b), 17, 18, 18A, 19, 20, 38, 39 and 40 of the U.A.P. Act.

It is submitted by learned counsel for the petitioners that the earlier application for bail of the petitioner namely, Ambika Mahto was rejected vide order dated 24.10.2016 and 14.3.2018 (Annexure-1 & Annexure-1/1 to Cr. Misc. no.12356 of 2021). It is further submitted that the earlier application for bail of the petitioner namely, Shambhu Singh was rejected on 22.10.2016 and 1.11.2017 (Annexure-1 & Annexure-1/1 to Cr. Misc. no.12418 of 2021). By order dated 14.3.2018 while dismissing the bail petition of the petitioner namely, Ambika Mahto, this Court had directed the learned court below to take appropriate steps so that the case may come to its logical end without unnecessary delay.

It is submitted that inspite of the petitioners being in custody since 2.5.2016 and a number of prosecution witnesses having been examined in Sessions Trial no.152 of 2017, there is no chance of the trial coming to an end in the near future as a petition has been moved for transfer of the case in view of the U.A.P. Act. It is submitted that because of the delay in the trial, co-accused Anil Sahni has been enlarged on bail vide order dated 7.12.2020 (Annexure-3) passed in Cr. Misc. no.27014 of



2020. The petitioners undertake to abide by the conditions which may be laid by this Court for their being enlarged on bail.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioners having remained in custody for more than 5 years 3 months since 2.5.2016 and the petition for transfer of the case/trial still pending in the learned court below because of the U.A.P. Act, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Sessions Trial no.152 of 2017 (arising out of Maker P.S. Case no.50 of 2016) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge XIII, Chapra at Saran on the following conditions:

(I) both the bailors of the petitioners shall be their close relatives.

(ii) the petitioners shall provide their mobile numbers to the Officer-in-Charge of the local police station and shall remain in contact.

(iii) the petitioners shall remain physically present on



each date and cooperate in the trial.

In case of violation of any of the above conditions, the learned trial court will be at liberty to cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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