

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13931 of 2020

Arising Out of PS. Case No.-31 Year-2016 Thana- TARAIYA District- Saran

SUNIL KUMAR MAHTO Son of Rameshwar Mahto Resident of Village -
Andhawari Dumari, P.S.- Taraiya, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 08-03-2021 Heard Mr. Arbind Kumar, learned counsel for the

petitioner and Mr. Shantanu Kumar, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Taraiya P.S. Case No. 31 of 2016 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code
1860 and Section 27 of the Arms Act.

The allegation as per the First Information Report is
that the husband of the informant was killed by some unknown
persons while he was returning to his home from the house of
his sister.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report and his
name has transpired on the basis of confessional statement of



the co-accused recorded in Sidhwaliya P.S. Case No. 140 of 2018 and except the confessional statement of the co-accused, no material has come against the petitioner. Learned counsel further submits that the petitioner is in custody since 12.03.2019.

On the other hand, learned counsel for the State referring to the case diary submits that due to previous enmity and in connection with distribution of some money between the deceased and the petitioner, the petitioner killed the deceased by means of firearms, description of which, has been given by the petitioner in his confessional statement. Learned counsel further submits that the postmortem report of the deceased shows two firearm injuries and six incised wound on the dead body of the deceased. The incised wound was caused by the associates of the petitioner namely, Sudish Kumar Singh.

This Court earlier vide order dated 20.01.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the learned Additional District & Sessions Judge-XIII, Saran at Chapra, has furnished the report vide letter No. 44 dated 11.02.2021 and from perusal of the same it appears that the charges have already been framed and altogether 27 witnesses are to be examined. The court below has



informed the estimated time of completion of trial as one year.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the nature of allegation as well as the report of the learned court below, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for regular bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after six months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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