

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35625 of 2020

Arising Out of PS. Case No.-224 Year-2018 Thana- MADHAURAH District- Saran

BALESHWAR MAHTO, age (51), Son of Late Shivnath Mahto, Resident of
Village - Karnpura, P.S.- Marhowrah, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manoj Kumar, Advocate.
For the Opposite Party : Mrs. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that the accused
persons assaulted the son of the informant due to which he
sustained injury and later succumbed to the injury.

This is second attempt on behalf of the petitioner for
grant of bail.

Earlier bail application of the petitioner was rejected
vide Cr. Misc. No. 29405 of 2019 under order dated 27.09.2019



by a Bench of this Court, annexed as Annexure-2 to the present application, taking into account that the dead body of the deceased was recovered from the house of the petitioner and onus was on the petitioner to explain the cause of death of the deceased under Section 106 of the Evidence Act.

A report was called for from the court below regarding the present stage of the case. It has been reported that eight prosecution witnesses have already been examined and the trial is likely to be concluded with a period of six months.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 776/2018, arising out of Madhaurah P.S. Case No. 224 of 2018, pending in the court of learned A.D.J.-10th or concern court, Saran at Chapra.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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