

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35285 of 2020

Arising Out of PS. Case No.-137 Year-2017 Thana- KANKARBAG District- Patna

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Amit Mahto @ Amit Kumar @ Amit Kumar Singh, age – 35 years Male, Son
of Late Arun Kumar Singh, Resident of Village - Sarakpur, P.S.- Beldaur,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No. 1

For the Opposite Party/s : Mr. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-01-2021 Heard Mr. Mukesh Kumar No. 1, learned counsel for

the petitioner and Mr. Matloob Rab, learned counsel appearing

for the State.

Petitioner seeks regular bail in connection with S.T.
No. 250 of 2018 arising out of Kankarbagh P.S. Case No. 137
of 2017 registered for the offence under Section 302 / 34 of the
I.P.C.

The allegation as per the First Information Report
lodged on the basis of statement made by the petitioner is that
on 28.02.2017 he had seen his father in the evening and when in
the next morning he went to his room he found his father as
dead.

Learned counsel for the petitioner submits that
petitioner is the son of the deceased and is also the informant of
the present case. However, during the course of investigation he
has been made accused and the charge sheet has already been
submitted against him and he is in custody since 06.03.2017.



Learned counsel next submits that this is 3rd attempt for grant of regular bail on behalf of the petitioner inasmuch as on earlier two occasions the petitioner had moved this Hon'ble Court for grant of regular bail in Cr. Misc. No. 31735 of 2017 and Cr. Misc. No. 9787 of 2019 which were dismissed vide order dated 30.08.2017 and 27.03.2019 respectively with direction to the trial court to conclude the trial within a period of 01 year but the trial has not concluded as yet and the petitioner is in custody for just about 04 years.

This Court vide its order dated 21.12.2020 had called for a report from the learned trial court regarding the status of the trial and in pursuance thereof learned Additional Sessions Judge - XXIII, Patna vide letter no. 01 / 2021 dated 4th January, 2021 has furnished the report and from perusal of the same it appears that out of 06 charge sheet witnesses only 01 prosecution witness has been examined and cross- examined and the remaining 05 prosecution witnesses are yet to be examined. The trial court has given the estimated time for completion of the trial after 09 months.

Having regard to the submissions made by learned counsel for the parties, taking into consideration the period of custody and the fact that despite specific direction of this Court



to conclude the trial within 01 year, the trial has still not concluded, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge – XI, Patna / court concerned in connection with S.Tr. No. 250 of 2018 arising out of Kankarbagh P.S. Case No. 137 of 2017 on the following condition: -

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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