

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35913 of 2020

Arising Out of PS. Case No.-12 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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NARESH MAHTO Son of - Basant Lal Mahto Resident of - Ward No. 16,
Samsa, P.S.- Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-02-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 07 of 2019, arising out of Naokothi P.S. Case No. 12 of 2018 dated 16.02.2018 instituted for the offence under Sections 302, 34 and 120B of the Indian Penal Code and under Section 27 of the Arms Act.

His prayer for bail was earlier rejected *vide* order dated 02.03.2020 passed in Cr. Misc. Nos. 54707 of 2019 and 66662 of 2019. While rejecting the prayer for bail of the petitioner, this Court has observed that the petitioner may renew his prayer for bail once the charges in this case are framed or after completion of six months of custody, whichever was earlier.



This Court had called for a report from the court below about the stage of the case on 22.01.2021.

The report indicates that out of four chargesheet witnesses, three have been examined and only one witness who works as a labourer in Bengaluru is left to be examined.

All the other accused persons of this case have been released on bail, except the petitioner.

There is also no likelihood of the fourth witness being examined in near future.

Regard being had to the observations made by the Bench on 02.03.2020 and the fact that the trial has not concluded till date, notwithstanding the fact that the petitioner has remained in custody since 28.06.2019, this Court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Begusarai in connection with Sessions Trial No. 07 of 2019, arising out of Naikothi P.S. Case No. 12 of 2018.

One of the bailors shall be a near relative. The petitioner shall participate in the trial and shall not absent himself on any occasion except with the prior



approval / permission of the Trial Court. His absence from the trial proceedings would entitle the trial Court to proceed immediately for cancellation of his bail.

While furnishing bail bonds, the petitioner shall give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition till the conclusion of Trial. The petitioner shall not leave the territorial confines of the Court which is trying his case.

The petitioner shall also get his presence marked every week before the officer-in-charge of the concerned police station, preferably on each Monday. The officer-in-charge of the concerned police station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting the police station.

(Ashutosh Kumar, J)

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