

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9228 of 2022

Arising Out of PS. Case No.-55 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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Santosh Kumar Mahto @ Santosh Mahto S/O Ram Bilash Mahto R/o village-
Muriya, P.S.- Sadar (Malpati O.P.), District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with Sadar
(Malpatti O.P.) P.S. Case No. 55 of 2019 arising out of (S.T. No.
317 of 2019) registered under Section 304B/34 of the Indian
Penal Code.

As per allegation this petitioner and his family
members always physically and mentally tortured the victim
named Sony Devi who is stated to be the wife of this petitioner
and finally the accused persons including the petitioner killed
the said victim and her six months old daughter by setting them
on fire.

The main submissions advanced by learned counsel
for the petitioner are that earlier two miscellaneous petitions



bearing Cr. Misc. No. 76923 of 2019 and Cr. Misc. 24070 of 2020 were filed by the petitioner for the relief of regular bail and the last Criminal Miscellaneous No. 24070 of 2020 was rejected by the coordinate bench of this Court with a liberty given to this petitioner to renew his prayer, if the trial of the petitioner is not concluded within a period of four months, but despite of that direction, the trial of the petitioner is still pending and altogether 13 prosecution witnesses have been examined and still some witnesses are to be examined and after passing the said direction with regard to conclude the petitioner's trial about one year period has elapsed and the remaining prosecution witnesses are formal witnesses who are stated to be co-villagers of the petitioner.

Learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly the petitioner's custody period and also the fact that the petitioner's trial has not been concluded within the stipulated period fixed by this Court vide Criminal Miscellaneous No. Cr. Misc. No. 76923 of 2019 and Cr. Misc. 24070 of 2020 and as per above submission all the material witnesses of prosecution have been examined and petitioner has been languishing in jail



since 19.3.2019, in my view a lenient approach can be taken in respect petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Sadar (Malpati O.P.), P.S. Case No. 55 of 2019.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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