

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16826 of 2022**

Arising Out of PS. Case No.-168 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

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Santosh Kumar Mahto @ Santosh Mahto Son Of Bishundeo Mahto R/O
Village- Shikhri Patti, P.S.- Bisfi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 10-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sessions Trial No. 42 of 2020 arising out of A.P.M. (Patour
O.P) P.S. Case No. 168 of 2019 for the offences under Sections
302 and 201/34 of the Indian Penal Code.

The Chowkidar of Gram Devipur, District Darbhanga
lodged the case against unknown after recovery of dead body.

In this case, earlier prayer for bail of the petitioner
was rejected vide order dated 08.12.2020 passed in Cr. Misc.
No. 28213 of 2020 (Annexure-1). The co-ordinate Bench of this
Court had directed that the trial must be concluded within nine



months. As the same could not be concluded, the petitioner has renewed his prayer for bail.

In this case, report was called for from the learned Trial Court and vide letter no. 658 of 2022 dated 23rd of July, 2022, the In-charge Additional Sessions Judge-VII, Darbhanga has stated that for want of regular court due to transfer of the last incumbent, the Trial could not be concluded, although out of 9 witnesses listed in the charge sheet, 6 have already been examined.

Taking into account the gravity of allegation that has come up in the FIR, this Court for the present is not inclined to grant him the privilege of bail which is accordingly rejected.

However, taking into account the earlier observation by the co-ordinate Bench of this Court, the Trial Court is directed to ensure conclusion of trial within a period of six months from today on a day-to-day basis failing which a report be submitted for the reasons of non-conclusion of the trial.

(Rajiv Roy, J)

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