

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60509 of 2021

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

Baleshwar Mahto Son of Late Sheonath Mahato Resident of Village- Karnpura (Kolhua), P.O. Karnpura, P.S.- Marhowrah, District- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 03-08-2022 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The report (at Flag-"A") submitted by the learned District Judge, Saran at Chapra be kept on record.

The petitioner seeks bail in Marhowrah P.S. Case No. 224 of 2018 (Sessions Trial No. 776 of 2018) registered for the offence under Section-302/34 of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected vide Annexure-1 to the present application taking into account that the deceased had gone to his in-laws house and the petitioner is brother-in-law of the deceased. The dead body of the deceased was recovered from the house of the petitioner. As such, the onus was upon the petitioner to explain the cause of death of the deceased as per Section



106 of the Evidence Act. Further the postmortem report indicated that the death was due to strangulation.

A report was called for from the court below.

It has been reported that three prosecution witnesses have already been examined in this case.

Considering the nature of accusation and stage of the case, I am not inclined to grant bail to the petitioner. Hence, the same is rejected.

Learned trial court is directed to take all necessary steps to conclude the trial of the petitioner at the earliest, preferably, within a period of six months from the date of receipt/production of copy of the order.

The District Magistrate and the Superintendent of Police, Saran at Chapra are directed to ensure the production of witnesses on the date fixed by the trial court so that the trial could be concluded within the stipulated period of six months.

Let a copy of this order be communicated to the District Magistrate and the Superintendent of Police, Saran at Chapra for needful.

(Sudhir Singh, J)

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