

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.63722 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- SONBERSA District- Sitamarhi

SHANKAR MAHTO @ SHANKAR KUMAR, Son of Mahesh Mahto,
Resident of Village - Bhuthi, P.S.- Sonbarsa, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad, Sr. Advocate
Mr. Kamala Kant Tiwary, Sr. Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard Mr. Uma Shankar Prasad, learned Senior Counsel for the petitioner and Mr. Md. Matloob Rab, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Sonbarsa P.S. Case No. 21 of 2020 registered for the offences punishable under Sections 120B, 302, 34 of the Indian Penal Code. The petitioner is in custody since 16.03.2020.

Earlier the prayer for regular bail of the petitioner was rejected after considering the kind of overwhelming material



present in the case diary to connect him with the present case.

Learned Senior Counsel for the petitioner submits that two co-accused similarly situated have been granted privilege of regular bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 34780 of 2020 and Cr. Misc. No. 37138 of 2020.

On the other hand, Mr. Md. Matloob Rab, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that this petitioner is the master mind of the alleged occurrence and as the second son of the informant was a witness in the murder case of first son of the informant, he has been killed and there are ample materials in the case diary showing that this petitioner was involved in talking with one Sikandar Mukhiya inside the jail and they were in constant touch on the alleged occurrence as well. Apart from that the petitioner has got criminal antecedents.

Learned A.P.P. further submits that so far as the case of the co-accused who have been granted bail by the learned co-ordinate Bench of this Court are concerned, a bare perusal of the order of the learned co-ordinate Bench would show that their cases stood on a different footing with that of the present petitioner, therefore, the principle of parity would not come to rescue the petitioner.



Having regard to the materials available on the record which have been referred in the previous order by this Court and further that the trial court's report shows that the trial itself is likely to be concluded within a period of six months approximately, this Court is not inclined to release the petitioner on bail.

Let the trial be expedited by keeping the records on shorter dates. The prosecution must cooperate in early conclusion of trial.

The Superintendent of Police, Sitamarhi is directed to execute the summons and warrants, if any, against the prosecution witnesses and produce the official witnesses such as Doctor and I.O. on the date fixed in the matter.

If the trial is still not concluded within a period of six months for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

