

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12723 of 2023

Arising Out of PS. Case No.-183 Year-2020 Thana- SIDHWALIYA District- Gopalganj

1. ASHOK KUMAR MAHTO @ ASHOK MAHTO Son of Basudev Mahto R/v- Surahiya, P.S.- Sidhwaliya, Dist- Gopalganj
2. JIUT MAHTO Son of Late Jamdar Mahto R/v- Surahiya, P.S.- Sidhwaliya, Dist- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2023 Heard the parties.

The petitioners are in judicial custody in connection with Sidhwaliya P.S. Case No. 183 of 2020 for the offences under Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

A perusal of para-2 of the bail application would show that after rejection of anticipatory bail, the petitioner never moved before this court.

Learned counsel for the petitioners submit that earlier he was given wrong information and when he became aware of the fact, supplementary affidavit to this effect was filed.

As per the earlier order passed by this Court in Cr. Misc. No. 36819 of 2022 on 26.9.2022, the bail application was rejected incorporating following facts :

“Per contra, learned APP for the



State submits that a bare perusal of the FIR and the allegations shows that these petitioners used 'Khanti' causing grievous injury and ultimate death of deceased and thus they cannot be exonerated of the charges merely because a there is counter case and Title Suit pending between them. Considering the allegation that has come up in the FIR, so far as these petitioners are concerned, this Court for the present is not inclined to grant him privilege of bail, which is accordingly rejected."

Considering the aforesaid facts, no fresh look is required in the matter.

Accordingly, Cr. Misc. No. 12723 of 2023 is dismissed with direction to the Trial Court to conclude the trial within a period of one year.

(Rajiv Roy, J)

Ajay Singh/-

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