

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9999 of 2023

Arising Out of PS. Case No.-139 Year-2019 Thana- MADHEPUR District- Madhubani

SHIV KUMAR MAHTO SON OF JAGARNATH MAHTO R/O VILLAGE-
BABUJIBAN, P.S.- MADHEPUR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Madhepur PS case no. 139 of 2019, registered under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act, inasmuch as the earlier prayers of the petitioner for grant of regular bail have all been dismissed by this Court, earlier.

The case of the prosecution in brief, according to the informant is that on 09.09.2019 at about 3:30 PM., he had gone to Fatki Kutti Chowk where he saw his father sitting with one Manay Mandal at a shop whereafter the informant had gone to the chowk and at about 5:00 PM., he saw that the petitioner along with other accused persons was



coming on his motorcycle and after travelling for some distance, the informant heard the sound of gunshot firing, whereafter he ran towards the shop of Manay Mandal where he saw that his father had fallen down and the petitioner and the other co-accused persons were trying to flee away on their motorcycle. It is further alleged that while the said accused persons including the petitioner herein were trying to flee away, they had stumbled, whereafter the said accused persons had stopped their motorcycle and engaged in assaulting the persons present there. It is further alleged that thereafter, one Ram Bahadur Singh had slapped the petitioner on account of which he got agitated and took out a pistol from his waist and fired gunshots on the father of the informant resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 23.01.2020, however, there is no progress in the on-going trial and there is no chance of completion of the trial in near future, hence, the petitioner be granted the privilege of bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the first bail petition of the petitioner was rejected by a detailed order dated 02.12.2020, passed in Cr. Misc. no. 27472 of 2020, wherein this Court had recorded that *prima facie*, the complicity of the petitioner is writ large from the records and he is involved in the alleged gruesome murder of the father of the informant and moreover, there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

