

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11711 of 2023

Arising Out of PS. Case No.-31 Year-2016 Thana- TARAIIYA District- Saran

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SUNIL KUMAR MAHTO @ SUNIL MAHTO S/o Rameshwar Mahto R/o
Village- Dumari, P.S.- Taraiya, Distt- Saran at Chhapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Satyendra Narayan Singh
For the Opposite Party/s	:	Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-04-2023 Heard the parties.

Petitioner renews his prayer for regular bail in connection with Tariya (Saran) P.S. Case No. 31 / 2016 , S.Tr. No. 10 / 2020 dated 11-02-2016 registered under Sections 302 / 34 of the I.P.C. & Section 27 of the Arms Act.

The allegation as per the F.I.R. is that the husband of the informant was killed by some unknown persons while he was returning to his home from the house of his sister.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner earlier by order dated 08.03.2021 passed in Cr. Misc. No. 13931 / 2020 this Court had granted him liberty to renew his prayer for bail after six months however the petitioner has renewed his prayer for bail after one year. The petitioner is in custody since



15.03.2019. Learned counsel further submits that petitioner is not named in the F.I.R. and his name has transpired on the basis of confessional statement of the co-accused recorded in Sidhwaliya P.S. Case No. 140 / 2018 and except confessional statement of the co-accused no material has come against the petitioner.

This Court vide its order dated 15/03/2023 had called for a report from the court below regarding the present stage of the trial and in compliance thereof a report has been submitted by learned Addl. Distt. & Sessions Judge XIII, Saran, Chapra vide letter no. 117 dt. 23.03.2023 and from perusal of the same it appears that out of 27 charge sheet witnesses only seven witnesses have been examined. The petitioner is in custody since 15/03/2019.

Regard being had to the submissions made by the parties, taking into consideration the period of custody of the petitioner, the fact that this is second attempt for bail on behalf of the petitioner, trial has not progressed substantially and still twenty charge sheet witnesses are to be examined, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thou-



sand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -13th, Chhapra (Saran) / Trial Court in connection with Taraiya P.S. Case No. 31 / 2016, S.Tr. No. 10 / 2020 on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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