

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14850 of 2023

Arising Out of PS. Case No.-158 Year-2019 Thana- PATAHI District- East Champaran

Sanjeet Mahto, S/o Nandkishore Mahto, R/o Village- Rupani, P.S- Patahi,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhishek Kumar, Advocate Ms. Rashmi Jha, Advocate Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s :	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 03-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Patahi P.S. Case no. 158 of 2019, registered under sections 304B, 201 and 34 of the Indian Penal Code.

3. The earlier application for bail of the petitioner was rejected vide order dated 15.11.2021 (Annexure-1) passed in Cr. Misc. no.20544 of 2021.

4. As per the prosecution case, the petitioner who happens to be husband of the deceased is said to have assaulted the sister of the informant and of having done her to death.

5. Learned counsel for the petitioner submits that there is an inordinate delay of 7 to 8 days in lodging of the FIR. The petitioner has been falsely implicated in the case. He is in custody



since 7.11.2019 and there is no progress whatsoever in the trial in the learned trial Court. He undertakes to cooperate in the trial.

6. Heard learned A.P.P for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 11.4.2023 of the learned Additional District and Sessions Judge, East Champaran, Motihari, although charge was framed on 5.2.2021, no witness has been examined on behalf of the prosecution.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the delay of 7 to 8 days in lodging of the FIR, there being no eye witness to the alleged occurrence, no witness having been examined on behalf of the prosecution inspite of charge having been framed more than 2 years ago on 5.2.2021 and the petitioner having remained in custody for about 3 years 5 months since 7.11.2019, the petitioner is directed to be enlarged on bail in connection with Patahi P.S. Case no. 158 of 2019, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XIX, Motihari, East Champaran.

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(Partha Sarthy, J)

