

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21614 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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SWET KUMAR @ MAHANTH SHWET DASS @ MAHANTHA Son of
Upendra Mahto R/V- Ward no. 4, Mahto Pathak Tola, Rani Sakarpura, Rani
Shakarpura, P.S- Khagaria Dist- Khagaria. At present R/V- Deopura P.s-
Naokothi Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 02-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection
with Naokothi P.S. Case No. 21 of 2021 instituted for the
offence under Sections 302, 120(B)/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per allegation in the FIR, the accused persons
including the petitioner are alleged to have opened fire
indiscriminately upon the father of the informant namely,
Ganesh Poddar due to which he sustained injuries and died on
the way to hospital.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. He has falsely been implicated in this case. It is also submitted that some witnesses vide para 10 & 162 of the case diary, have been examined during course of investigation but they have given contradictory statement regarding the alleged occurrence. The petitioner is languishing in judicial custody since 31.7.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who along with others have specifically been alleged to open fire upon the father of the informant (deceased). The petitioner has also got five criminal antecedents.

6. In pursuance to the direction of this court, a report dt. 1.9.2023 with regard to present stage of trial has been received by which it appears that the trial is likely to be concluded within a period of six months.

7. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same within stipulated period of time (i.e. six



months), failing which, the petitioner may renew his prayer of
bail.

(Sunil Kumar Panwar, J)

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