

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24882 of 2023

Arising Out of PS. Case No.-48 Year-2020 Thana- BHADAUR District- Patna

Janardan Mahto @ Jano Mahto @ Janardhan Mahto S/O Late Suklal Mahto
@ Sukhari Mahto R/O Village- Nandinagar, P.S- Bhadaur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2023 Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This is the second attempt wherein the petitioner is renewing his prayer for bail in connection with Bhadaur P.S. Case No. 48 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 302, 120(B), 504 of the Indian Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was turned down vide order dated 18.05.2022 in Cr. Misc. No. 58016 of 2021, after taking into consideration the specific accusation against the petitioner that he fired upon 'Lalan Kumar' which resulted into his death and thereafter, he again fired upon one 'Nago Mahto', due to which he sustain grievous injury.



Vide order dated 19.04.2023, a report with regard to the present status was called for from the learned trial Court and it has been apprised to this Court that out of nine prosecution witnesses, five of them have already been examined.

At this stage, learned counsel for the petitioner submits that the petitioner is in custody since 06.05.2020, apart from the fact that since December, 2022, till date none of the witnesses have been examined and in fact the prosecution has failed to produce any prosecution witnesses, and there is no likelihood of conclusion of trial in near future, hence he made a prayer for release of the petitioner on bail.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the main assailant against whom specific allegation of firing, causing death to one and injury to other, has been levelled.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no overwhelming facts and circumstances, warranting reconsideration of the prayer for bail as taking into consideration the specific nature of accusation, the prayer for bail of the petitioner had already been rejected earlier.



Accordingly, the present bail application stands dismissed.

It is needless to observe that this Court expects that the learned trial Court will take all endeavor to conclude the trial, as early as possible, preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

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