

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25226 of 2023

Arising Out of PS. Case No.-107 Year-2019 Thana- KANHAULI District- Sitamarhi

VIJAY MAHTO Son of Tildhari Mahto Resident of Village - Araria, P.S.-
Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-06-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Kanhauli P.S. Case no. 107 of 2019 under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. The earlier application for bail of the petitioner was rejected vide order dated 10.8.2021 passed in Cr. Misc. no. 8441 of 2021 and order dated 31.8.2022 passed in Cr. Misc. no.28128 of 2022.

4. As per the prosecution case, the three named accused persons including the petitioner herein as also 2-3 others fired and killed the son of the informant.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The



allegations are general and omnibus in nature. The petitioner is in custody since 1.7.2020 and charge having been framed 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. From the report received contained in letter dated 15.5.2023 from the Additional District and Sessions Judge, Sitamarhi, it transpires that charge has been framed in the learned trial Court on 15.5.2023.

9. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner who is said to have resorted to firing killing the son of the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

10. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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