

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67016 of 2023

Arising Out of PS. Case No.-110 Year-2019 Thana- DANDARI District- Begusarai

Bambam Mahton S/O Late Horil Mahto Village- Samsa, Ps. Nowkothi, Dist.
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 01-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. This is the second attempt of the petitioner to seek bail from this Court in connection with Dandari P.S. Case No. 110 of 2019, registered on 12.10.2019 for the alleged offences under Sections 302/34 of the Indian Penal Code, as his prayer for bail was earlier rejected vide order dated 04.07.2022 passed in Criminal Misc. No. 65062 of 2021.

03. As per prosecution case, the husband of the informant was called out by wife of the petitioner on mobile phone and the informant followed him. The informant further alleged that the petitioner along with other co-accused persons and 4-5 unknown criminals who were armed, caught hold of her husband and they took him away. Later on, the dead body of the



husband of the informant was recovered in a river with firearm injuries.

04. Learned counsel for the petitioner submits that the petitioner is in custody since 09.09.2020 and the trial is yet to commence in this case. Learned counsel further submits that while rejecting the prayer for bail of the petitioner, the learned trial court was directed to expedite the trial and conclude the same within a period of one year, but there has been no compliance of the said order. Learned counsel further submits that there is general and omnibus allegation against this petitioner and a number of co-accused persons. No specific over act has been attributed to this petitioner. Similarly placed co-accused Vinod Mahto has been granted bail by a Co-ordinate Bench vide order dated 02.06.2020 passed in Criminal Misc. No. 7118 of 2020 and the petitioner is aged about 60 years and he is suffering from several chronic diseases.

05. Learned APP vehemently opposes the prayer for bail. Learned APP submits that there is an eye witness account and the petitioner caught hold of the husband of the informant and took him away and shot him dead. The postmortem report shows a number of injury firearm injury on the dead body of the husband of the informant. Learned counsel further submits that



the petitioner appears to be a veteran criminal and is accused in altogether 27 cases of very serious nature like murder etc.

06. Having regard to the facts and circumstances and notwithstanding delay in conclusion of trial and considering the nature of allegation against the petitioner along with his criminal antecedent, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is rejected.

(Arun Kumar Jha, J)

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