

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64719 of 2022

Arising Out of PS. Case No.-33 Year-2003 Thana- NOWKOTHI GARHPURA District-
Begusarai

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LUKHARA MAHTO @ AJIT MAHTO Son of Kamli Mahto Resident of
village- Sisauni, P.S.- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 23-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with S.T. No. 408 of 2019 arising out of Nowkothi P.S. Case
No. 33 of 2003, registered for the offences punishable under
Sections 384, 326, 307 of the Indian Penal code and Section 27
of the Arms Act.

As per allegation, the petitioner committed the
murder of brother of the informant as he was not paying ransom
of Rs. 20,000/- to the petitioner.

The learned counsel for the petitioner has submitted
that, except the informant, there is no eye-witness of the
occurrence. All the witnesses examined during course of



investigation, are heresay witnesses. He has submitted further that the petitioner is under custody since 05.01.2019 and up-till-now, only one witness has been examined, despite the fact that charges have been framed in this case in the year 2019.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the informant is the eye-witness and before his eyes, his brother was killed at the hands of the petitioner by fire arm. The post-mortem report corroborates the allegation as fire arm injury was found on the person of the deceased. Paragraph no. 103 of the case diary contains the post-mortem report.

It appears that the trial is proceeding on a snail pace as only one eye-witness has been examined, despite the fact that charges have been framed in the year 2019.

The learned court below shall take every endeavour to dispose of this case within a period of six months. If the trial is not concluded within a period of six months, the petitioner may renew his prayer for bail.

With these observations, the petition is disposed of.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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