

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72281 of 2022

Arising Out of PS. Case No.-394 Year-2019 Thana- BARAULI District- Gopalganj

Laxman Mahto @ Aditya Mahto Son of Anant Mahto R/o village -
Pacharukhiya, P.S.- Barauli, District - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kant, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Barauli P.S. Case No. 394 of 2019 registered for the offences punishable under Sections 341, 447, 323, 324, 307, 354, 379, 34 of the Indian Penal Code and later on Section 302 IPC was also added. He is in custody since 15.11.2019 having no criminal antecedent.

3. Earlier, the prayer for bail of the petitioner was rejected vide order dated 23.11.2020 passed in Cr. Misc. No. 30514 of 2020.

4. Learned counsel for the petitioner submits that even as three years have gone after the last rejection of the bail application of the petitioner and the petitioner has remained in judicial custody for almost four years since the date of his



custody i.e. 15.11.2019, till date not a single prosecution witness has been examined. It is submitted that the charges were framed in this case on 28.09.2022 and the prosecution was directed to produce witnesses but for one year, no witness has been produced and now the court has issued bailable warrant against the non-official witnesses.

5. Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that considering the specific allegation against the petitioner that he had penetrated *gupti* in the stomach of the deceased Shasikant Mahto, this Court had refused to grant bail to the petitioner. It is, however, not denied that the petitioner has remained in judicial custody for almost four years and till date, not a single prosecution witness has been examined.

6. Having regard to the facts and circumstances of the case, at this stage, considering that the petitioner has remained in incarceration for almost four years but till date, not a single prosecution witness has turned up in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Gopalganj



in connection with Barauli P.S. Case No. 394 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

7. And further condition that the petitioner shall appear in course of trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance before the trial court shall invite action towards cancellation of the bail bond.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

