

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7871 of 2024

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. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 01-03-2024

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 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the three named accused persons including the petitioner herein as also 2-3 others are said to have fired killing the son of the informant.

4. It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 10.8.2021 passed in Cr. Misc. no.8441 of 2021, order dated 31.8.2022 passed in Cr. Misc. no.28128 of 2022 and order dated 28.6.2023 passed in Cr.Misc. no. 25226 of 2023.



5. It is submitted by learned counsel for the petitioner that inspite of the petitioner having remained in custody since 1.7.2020 and cooperating in the trial, there is no progress whatsoever in the learned trial Court and not a single witness has been produced or examined on behalf of the prosecution. The petitioner undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail.

6. Heard learned A.P.P. for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 8.2.2024 from the Additional District and Sessions Judge XV, Sitamarthi, charge was framed in the trial Court on 15.5.2023, however, inspite of issuance ofailable warrant of arrest on the non official witnesses, no witness has been examined on behalf of the prosecution.

8. Having heard learned counsel for the parties and having perused the material on record, taking into consideration the direct allegation against the petitioner along with others of having fired upon and killing the son of the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



9. Taking into consideration the contents of the report of the learned trial Court together with the petitioner having remained in custody since 1.7.2020, liberty is granted to the petitioner to renew his prayer for bail after 4 months.

(Partha Sarthy, J)

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