

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11022 of 2024

Arising Out of PS. Case No.-18 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. Ram Udgar Mahto Son of Surat Lal Mahto
2. Rekha Devi Wife of Raman Mahto
Both are Resident of Village-Sirkhadiya, P.S.-Jhanjharpur (Arariya Sangram O.P.), District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Sessions Trial Case No. 383 of 2022, arising out of Jhanjharpur (ASOP) P.S. Case No. 18 of 2022 dated 27.01.2022 registered for the offence(s) punishable under Section 302/34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel for the petitioners are that the petitioner earlier preferred Cr. Misc. No. 30396 of 2022 for the relief of regular bail which was rejected by this court vide order dated 11.04.2023, the petitioners have come again for relief of regular bail mainly



their long incarceration period and no significant progress in their trial till date as well as in the light of liberty granted to them by this court in earlier rejection order. Further submissions are that the petitioners have got no criminal antecedent and have been languishing in jail since 27.01.2022 and the charges were framed upon them on 20.10.2022 and thereafter the trial court has exhausted all the processes but even then no prosecution witness has been produced and examined by the prosecution which shows the lingering attitude of the prosecution. Further submissions are that there is no eye-witness of the alleged occurrence and the victim was suffering with some kind of mental disorder at the relevant time of occurrence, on account of which he entered into the petitioners' house and fell down from the stairs and sustained injuries which resulted in his death.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Heard both the sides and perused the available materials. Though, there is serious allegation against the petitioners but considering the facts that the petitioners have been languishing in jail since 27.01.2022 and till date, no prosecution witness has been examined in their trial as appears



from the order impugned despite the charges having been framed upon them on 20.10.2022 which shows the lingering attitude of the prosecution in the trial of the petitioners, in my opinion, in the said circumstances, the petitioners now deserve to privilege of bail. Accordingly, let the petitioners named-above be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 383 of 2022, arising out of Jhanjharpur (ASOP) P.S. Case No. 18 of 2022.

(Shailendra Singh, J)

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