

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48123 of 2024

Arising Out of PS. Case No.-341 Year-2016 Thana- DARBHANGA SADAR District-
Darbhanga

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RAMBHAGAT MAHTO S/O RATI MAHTO @ RATILAL MAHTO R/O
VILLAGE- MARUKIYA, P.S- ANDHRATHADI, DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his application for grant of regular bail in connection with Sadar P.S. Case no.341 of 2016 registered under sections 302, 366A, and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner who happens to be the brother of his daughter-in-law had come to stay with them. On the day of occurrence ie 3.9.2015, his daughter disappeared. As per the telephonic talk with her, she gave information about the petitioner having committed rape on her and ultimately she was done to death.

4. It is submitted by learned counsel for the petitioner



that the earlier prayer for bail of the petitioner was rejected vide order dated 11.10.2023 (Annexure-1) passed in Cr. Misc. no. 46789 of 2023 giving liberty to the petitioner to renew his prayer for bail after six months. In spite of the petitioner having remained in custody since 14.10.2022, there is no progress whatsoever in the trial in the learned trial Court. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received, two out of eleven witnesses have been examined on behalf of the prosecution. The last one was examined on 28.6.2023. Further by order dated 21.2.2024 bailable warrant has been issued against the non-official witnesses.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody since 14.10.2022, the last of the two witnesses examined on behalf of the prosecution being on 28.6.2023 and the prosecution witness not appearing in spite of issuance of bailable warrant, the Court directs the petitioner to be enlarged on bail in connection with Sadar P.S. Case



no. 341 of 2016 on furnishing bail bond of Rs.10,000/ (Rupees Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the learned Additional Sessions Judge-III,
Darbhanga.

(Partha Sarthy, J)

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