

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64067 of 2024

Arising Out of PS. Case No.-107 Year-2019 Thana- KANHAULI District- Sitamarhi

Vijay Mahto Son of Tildhari Mahto R/o 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. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 02-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with S. Tr. no.96 of 2023 (arising out of 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. Learned counsel for the petitioner submits that the application for bail of the petitioner who is in custody since 1.7.2020 has been rejected on a number of occasions, the last being vide order dated 1.3.2024 passed in Cr. Misc. no.7871 of 2024. As per instructions received, there is no chance of the trial concluding in the near future. The petitioner undertakes to



cooperate in the case.

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

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 20.9.2024, seven witnesses have been examined on behalf of the prosecution. Now two non-official witnesses and one official witness ie the Investigating Officer remain to be examined.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the liberty granted to the petitioner in the last order of rejection dated 1.3.2024, the petitioner having remained in custody for over 4 years since 1.7.2020 and three witnesses still remaining to be examined and no witness having been examined since 15.7.2024, the Court directs the petitioner to be enlarged on bail in connection with S. Tr. no.96 of 2023 (arising out of Kanhauli P.S. Case no.107 of 2019) 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 XV, Sitamarhi on the following conditions:

(i) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.



(ii) In case the trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner or in case the petitioner is absent on any single date for reasons not to the satisfaction of the trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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