

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64501 of 2024

Arising Out of PS. Case No.-259 Year-2018 Thana- KATHAIYA District- Muzaffarpur

Amarjeet Mahto Son of Sitaram Mahto Resident of Village - Rampur
Bheriyahi, P.S. - Kathaiya, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Milon Devi W/O- Late Nanhak Mahto, R/O- Vill- Rampur Bheriyahi, ps-
Kathaiya Dist.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 29-11-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The following order was passed on 29.02.2024:-

*“Heard learned counsel for the petitioner; learned
counsel for the informant and learned APP for the State.*

*2. The petitioner seeks bail in connection with Kathiya
P.S. Case No. 259 of 2018 registered for the offence under
Sections 341, 323, 342, 324, 307, 302, 120B/34 of the
Indian Penal Code.*

*3. As per the prosecution case, the petitioner along
with other accused persons are said to have killed the
deceased.*

*4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has falsely been implicated
in this case.*

*5. It is also submitted by the learned counsel for the
petitioner that the petitioner is in jail since 8.5.2023.*

*6. Learned APP for the State vehemently opposed the
prayer of the petitioner for grant of bail by contending that
the petitioner is the assailant of the deceased.*

*7. Considering the fact that the petitioner is the
assailant of the deceased, this Court is not inclined to grant
bail to the petitioner.*

8. Accordingly, this application is dismissed.



9. The trial Court is directed to expedite the trial of the petitioner and conclude the same at the earliest. If there is no sufficient progress in the trial due to the fault of the prosecution side then the petitioner may renew his prayer for grant of bail.”

3. Learned counsel for the petitioner submits that the petitioner is in jail since 08.05.2023 and no witness has been examined despite framing of charge.

4. Learned counsel for the informant has submitted that one witness has been examined and prosecution is ready to examine all the witnesses regularly.

5. Learned counsel for the informant has also submitted that the petitioner has threatened the prosecution therefore, there has been delay in the production of witnesses by the prosecution.

6. Considering the allegations of murder levelled against the petitioner, this application is dismissed.

7. The Senior Superintendent of Police, Muzaffarpur will provide protection to the witnesses so that the trial is not delayed.

(Sandeep Kumar, J)

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