

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66731 of 2023

Arising Out of PS. Case No.-243 Year-2020 Thana- PAHARPUR District- East Champaran

Ramesh Mahto Son of Belas Mahto Village-Siswan Noneya Tola, P.S.
Paharpur, Distt.-EAST Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with S.Tr.
No.101/2022 arising out of Paharpur P.S. Case 243/2020,
registered for the offence punishable under Sections 302, 201/34
of the Indian Penal Code.

3. As per prosecution case, the petitioner is alleged to
have illicit relation with her own bhabhi and victim made
objection, upon the same the petitioner and others committed
murder of the informant's sister by cutting her neck.

4. Learned counsel for the petitioner submits that on
17.01.2023 the bail of the present petitioner has already been
rejected by this Court vide Cr. Misc. no.33540/2022. He further
submits that petitioner is quite innocent and has committed no



offence as alleged in the FIR and he has falsely been implicated in this case as he is the husband of the deceased. The petitioner is languishing in custody since 03.07.2021 and bears no criminal antecedent. The dead body was disposed off in presence of the informant and no grievance has been raised as alleged in the FIR on the relevant time. He counsel for the petitioner further submits that all the prosecution witnesses have already been examined and he has prayed that the case be put up on day-to-day basis so that the trial could be concluded at the earliest.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits earlier bail prayer of the petitioner has been rejected on merit vide order dated 17.01.2023 passed in Cr. Misc. No.33540/2022. He further submits that the petitioner is the husband of the deceased and the allegation levelled against the petitioner that there is illicit relation with his own bhabhi and motive behind the occurrence cannot be ruled out and on the protest of the same the alleged occurrence has been committed. Learned counsel further submits that in paras 4 and 5 of the case diary, same is also supported by other witnesses like Prakash Mukhia and Arjun Mahto and there is no reason to grant bail to the petitioner



at this juncture and when the prosecution witnesses have already been examined.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no.2 dated 04.01.2024 has sent its report in which it has been mentioned that the I.O. has been examined. The aforesaid report further reveals that the trial of this case is likely to be concluded within two months.

6. Considering the facts and circumstances of the case, keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

7. However, the trial court is directed to expedite the trial day-to-day basis within one month.

(Alok Kumar Pandey, J)

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