

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18874 of 2024

Arising Out of PS. Case No.-48 Year-2021 Thana- BHEJA District- Madhubani

SHYAM SUNDAR MAHTO SON OF BASUDEO MAHTO @ BASUDEV
MAHTO RESIDENT OF VILLAGE - BHEJA, POLICE STATION - BHEJA,
DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the informant	:	Mrs. Urmila Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 27-01-2025 In the order dated 13.12.2024 in paragraph-2, it has been wrongly incorporated as the petitioner is apprehending his arrest. The same be read as the petitioner is in judicial custody in connection with Sessions Trial No. 431 of 2021 arising out of Bheja PS Case No. 48 of 2021 for the offence under Sections 341, 323, 324, 325, 326, 307, 379, 504, 506/34 of the IPC lodged on 21.06.2021 by the informant, Ambika Devi.

2. Heard Mr. Rama Kant Sharma, learned Senior Counsel, Mrs. Urmila Kumari, learned counsel representing the informant and the State.

3. The petitioner is in judicial custody in connection with Sessions Trial No. 431 of 2021 arising out of Bheja PS



Case No. 48 of 2021 for the offence under Sections 341, 323, 324, 325, 326, 307, 379, 504, 506/34 of the IPC lodged on 21.06.2021 by the informant, Ambika Devi.

4. As per the prosecution story, the informant alleged that when Gopal Mahto was going to purchase vegetables and reached near the medicine shop of this petitioner, allegation is that he was surrounded by accused persons and assaulted with *Farsa* and iron rod. The specific allegation against this petitioner is of giving repeated *Farsa* blows to her son, Gopal Mahto, while another brother, Ghananad Mahto was given rod blow by the accused persons, as a result whereof, the right leg was fractured. They were taken to Madhepura Primary Health Centre, Darbhana Medical College Hospital, Darbhanga and later to Patna Medical College Hospital, Patna and Gopal Mahto later succumbed to his injuries, then the FIR.

5. The facts have already been recorded in the order rejection order in Cr. Misc. No. 18176 of 2022 by order dated 28.07.2022 and in that background, the bail petition was rejected. It seems that the petitioner travelled to the Hon'ble Supreme Court where the bail petition was rejected.

6. Now the fresh petition submitting that he is in custody since 15.11.2021 and the trial has still not concluded. In



that background, a report was called for and according to the report dated 21.12.2024, the case is/was fixed for prosecution evidence.

7. Learned counsel appearing for the informant submits that one of the injured, Ghananand Mahto has already been examined and the petitioner wanted cross-examination for which the case stands adjourned.

8. Learned Senior Counsel for the petitioner submits that adjournment of three weeks will again delay the trial and in that background, he deserves bail.

9. Learned counsel for the informant submits that if the accused co-operates with the prosecution witnesses, the same can be concluded as they too want conclusion of the trial.

10. Learned APP submits that if both the parties co-operate, there is all likelihood that the trial will be concluded within six months.

11. Having gone through the facts of the case and the allegation on record, particularly, the allegation that he gave repeated *Farsa* blows to Gopal Mahto who succumbed to the injuries, this Court is not inclined to take a second look. However, he being in custody for more than three years, this Court cannot overlook the fact that the petitioner has already



remained in custody for more than three years and is entitled to an early trial.

12. The injured, Ghananad Mahto has been examined, it has been found that the matter was adjourned for three weeks for cross-examination. The adjournment of three weeks, in the opinion of the Court is excessive, if the same is adjourned in a routine matter and cogent reason is not there.

13. In that background, this Court would direct the learned Trial Court to take up the matter and without long adjournment conclude the same preferably within a period of six months from today.

14. The petition stands dismissed with the aforesaid observation.

(Rajiv Roy, J)

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