

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43553 of 2025

Arising Out of PS. Case No.-74 Year-2021 Thana- BASANTPUR District- Siwan

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Lavkush Mahto S/O Lakhdev Mahto Resident of village- Lakhnaura, P.S-
Basantpur- Lakdi Naviganj OP, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. It is submitted by learned counsel appearing for the
petitioner that the prayer of bail of this petitioner was rejected
by this Court on earlier occasion through Cr. Misc. No. 19967
of 2024 dated 13.09.2024. It is further submitted that present
petition is the second successive bail petition of petitioner.

3. The petitioner seeks bail in connection with
Basantpur (Lakdi Nabiganj OP) P.S. Case No. 74 of 2021,
registered for the offence under Sections 304(B) and 34 of the
Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 09.03.2021.

5. It is submitted by learned counsel for the petitioner



that despite of custody of the petitioner for about more than 4 years and 5 months, only two prosecution witnesses have been examined and therefore, the trial is not likely to be concluded in near future and for want of conclusion of trial, the petitioner cannot be kept behind the bar for indefinite period, which appears in violation of his fundamental rights. In this contest learned counsel has relied on **Hussainara Khatoon & Ors vs. State of Bihar [(1980) 1 SCC 98]**.

6. Arguing further, learned counsel pointed out that while rejecting first prayer of bail, as submitted aforesaid, the learned trial Court was directed to conclude the trial within six months from the date of order by taking this matter on board on day to day basis, despite the same, the conclusion of trial appears a remote aspect.

7. Learned A.P.P while opposing the bail, could not dispute the aforesaid submissions regarding custody and slow progress of trial.

8. Considering the aforesaid submissions and by taking note of fact that the petitioner remains in custody since 09.03.2021 i.e. for about 4 years and 5 months, only two prosecution witnesses have been examined, suggesting that trial is not likely to conclude in near future, accordingly, the



petitioner, above named, is directed to be released on bail in connection with Basantpur (Lakdi Nabiganj OP) P.S. Case No. 74 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan /concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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