

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57895 of 2024

Arising Out of PS. Case No.-210 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SURENDRA MAHTO S/O BILAT MAHTO R/O VILLAGE- SURATPUR,
P.S- MUFFASSIL, DISTRICT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
Mr. Gaurav Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 03-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.195 of 2020, arising out Muffasil P.S. Case no. 210 of 2019 registered under sections 302, 307, 341, 323, 324 and 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons including the petitioner herein is said to have come, called out the deceased Anil Kumar for help and on his coming out, the accused persons killed him.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Referring to the deposition of the prosecution witnesses examined in course of trial, it is submitted that the allegation is mainly levelled



against co-accused Kundan Kumar and not this petitioner. The petitioner has remained in custody since 7.12.2019 and only six witnesses have been examined on behalf of the prosecution. Four witnesses still remain to be examined and thus there is no chance of the trial concluding in the near future.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of trial, the petitioner having remained in custody for over 5 years since 7.12.2019 and the trial still not having concluded in the learned trial Court with four witnesses on behalf of the prosecution still remaining to be examined, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.195 of 2020 (arising out of Muffasil P.S. Case no. 210 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 4th, Samastipur.

(Partha Sarthy, J)

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