

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86819 of 2024

Arising Out of PS. Case No.-39 Year-2016 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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Pappu Kumar Mahto @ Pappu Mahto @ Pappu kumar, S/O Dinesh Kumar @
Tuni Lal Mahto, R/O Village- Khoksaha, P.S- Bibhutipur, Distt.- Samastipur.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate
		Mr. Mirityunjay Kumar, Advocate
		Mrs. Pampy Kumari, Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt of the petitioner to obtain regular bail in connection with S.T. No. 328 of 2017 arising out of Samastipur Rail P.S. Case No. 39 of 2016 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier orders rejecting the prayer for bail of the petitioner is Annexures 'P/1' and 'P/1(A)'.

4. Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner, this Court was impressed by the fact that the petitioner had some criminal history. It is, however, submitted that out of six cases stated in



paragraph '3' of the application, in four cases, the petitioner is on bail and in the two other cases, he has been acquitted. Apart from this fact, the petitioner has remained in incarceration in connection with this case since 14.11.2016.

5. Attention of this Court has also been drawn towards the impugned order of the learned trial court in which it has come that the charges in this case has been framed, eleven prosecution witnesses have been examined but PW-4 who is the son of the deceased and PW-6 have failed to identify the petitioner physically present in the court at the time of their examination in course of trial.

6. The learned trial court has in its report vide Letter No. 03/2025 dated 07th January, 2025 reported that the expected time to conclude the trial of this case is further three months.

7. Learned counsel submits that still the trial has not been concluded.

8. Since all the eleven prosecution witnesses have been examined in this case long back but the trial has yet not been concluded, this is a matter of concern for the Court.

9. If the trial is not concluded within a period of two months from today, the petitioner shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Samastipur in connection with Sessions Trial No. 328 of 2017 arising out of Samastipur Rail P.S. Case No. 39 of 2016, subject to the condition as laid down under Section 480(3) of Bhartiya Nagarik Suraksha Sanhita, 2023.

10. And further condition that the trial court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. A copy of this order be sent to the Principal District and Sessions Judge, Samastipur as also to the Arrear Committee of the High Court for purpose of monitoring.

(Rajeev Ranjan Prasad, J)

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