

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85036 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Nagmani Mahto Son of Jay Prakash Mahto Resident of Village - Kumbhi
Patolia Dera, P.S. - Cheriya Bariyarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 05-03-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Khodawandpur P.S. Case No. 19 of 2024 instituted for the
offence under Sections 302 & 34 of the Indian Penal Code and
Sections 25(1-B)a & 27 of the Arms Act.

3. As per prosecution case, informant got information
that his son has been killed by firearms and he was lying in an
ensanguining state.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 08-04-2024. Petitioner
bears thirty-three (33) criminal antecedents, as per disclosure
made in paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Sandeep Kumar @ Guddu Kumar, during course of investigation. No overt act has been done by the petitioner. Learned counsel submits that from perusal of FIR, it is evident that though the date of incident is 05-02-2024, but information to the police was given only after recovery of the dead body of the deceased on 06-02-2024. Petitioner has no concern with the deceased or co-accused. Charge sheet is submitted in this case. Other co-accused have been granted bail by this Court vide orders dated 03-12-2024 & 20-12-2024, passed in Cr. Misc. No. 68359 of 2024 & Cr. Misc. No. 73636 of 2024, respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case. Co-accused persons have confessed their guilt and have also stated the involvement of the petitioner in the alleged occurrence, which fact finds mention at paragraph Nos. 168 & 169 of the case diary.



7. Considering the aforesaid facts and circumstances of the case, there being enough material against the petitioner and specifically taking into account the thirty-three (33) criminal antecedents of the petitioner, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. The District Magistrate, Begusarai and the Superintendent of Police, Begusarai are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded at the earliest.

10. Let this order be communicated to the District Magistrate, Begusarai and the Superintendent of Police, Begusarai.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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