

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89940 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- ROSERA District- Samastipur

Dilip Mahto @ Dilip Kumar Mahto, Male, aged about 54 years, Son of Ganga Prasad Mahto, Resident of Batha Dakshinvari Tola, Ward No 11 P.S.- Rosera District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 19-03-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Rosera P.S. Case No.235 of 2023 registered for the offence punishable under Sections 341, 323, 342, 363, 307 and 326(A)/34 of the Indian Penal Code.

3. Earlier the prayer for bail of this petitioner was rejected by this Court passed in Cr. Misc. No. 68013 of 2023 vide order dated 15.03.2024.

4. Allegation against the petitioner along with other co-accused persons is to have assaulted the son of the informant after tying his hand and further alleged that the acid was administered in the eye of son of the informant.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has



falsely been implicated in this case. He further submits that petitioner is named in the FIR. He next submits that petitioner having clean antecedent as stated in para 3 of the petition is in custody since 02.07.2023.

6. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

7. From perusal of the FIR and also perused the impugned order dated 02.12.2024 passed by the learned Additional District and Sessions Judge-I, Rosera, Samastipur and also perused the report regarding the stage of trial from the Court of the learned District and Additional Sessions Judge-I, Rosera, Samastipur vide Letter No. 166 of 2025 dated 25.02.2025, it appears that this is the second attempt for regular bail of the petitioner and first bail petition has already been rejected by this Court vide order dated 15.03.2024 passed in Cr. Misc. No. 68013 of 2023 with an observation that the trial Court is directed to conclude the trial of the present case within six months from the date of framing of charge and, in case, the trial of the present case could not be concluded within a specified period, the petitioner may be at liberty to renew his prayer for bail before the learned trial Court. It also appears from perusal of the report of the learned District and Additional Sessions



Judge-I, Rosera, Samastipur that trial of the case is in advance stage, charge has been framed against the accused person. Process of summon against all chargesheeted witnesses and bailable warrant against non official prosecution witnesses have been issued. Out of total ten prosecution witnesses four independent prosecution witnesses have been examined, cross-examined and discharged. Two non-official prosecution witnesses and four official witnesses including three doctors and one Investigating Officer have not been examined as yet and the case was fixed for prosecution evidence, so considering all these aspects of this case, I am not inclined to grant bail to the petitioner, accordingly the prayer of bail of the petitioner stands rejected.

8. However, the learned trial Court is directed to conclude the trial within a period of four months as submitted in his report vide letter no. 166 of 2025 dated 25.02.2025 and the Superintendent of Police, Samastipur is also directed to produce the witnesses in this case to conclude the trial as early as possible and consult with the trial Court so that the trial may be concluded within the stipulated period and if the trial is not concluded within the stipulated period, then the petitioner may have liberty to renew his prayer for bail before the trial Court



and the trial Court is directed to grant bail to the petitioner, if the
petitioner co-operate in the trial.

(Ramesh Chand Malviya, J)

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