IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59221 of 2026

CNR No. BRHC010861462026

Arising Out of PS. Case No.-4 Year-2023 Thana- KHUTAUNA District- Madhubani

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Lalit Mahto S/o Late Ramdeo Mahto R/o Village - Sihuka Siktiyahi, PS - Khutauna, District - Madhubani

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The present application has been filed on behalf of the petitioner seeking regular bail in connection with Sessions Trial No. 574 of 2023, arising out of Khutauna P.S. Case No. 04 of 2023, dated 09.01.2023, corresponding to G.R. No. 42 of 2023, registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, as stated by the informant, is that the wife of the deceased had illicit relationship with the petitioner and one year prior to the occurrence, she eloped with petitioner.

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4. The petitioner's bail application was earlier rejected by a Co-ordinate Bench of this Court vide order dated 13.08.2024, passed in Cr. Misc. No. 79638 of 2023. The petitioner's second bail application was also rejected by the same Court vide order dated 04.07.2025, passed in Cr. Misc. No. 33495 of 2025. Petitioner has three criminal antecedents.

5. Co-ordinate Bench of this Court, vide order dated 29.09.2026, directed the learned Trial Court to submit a report regarding the present stage of the trial in connection with Sessions Trial No. 574 of 2023, arising out of Khutauna P.S. Case No. 04 of 2023, corresponding to G.R. No. 42 of 2023.

6. In compliance of the aforesaid direction, the learned District and Additional Sessions Judge-I, Jhanjharpur, Madhubani, submitted a report dated 03.10.2026, stating that, out of the seven prosecution witnesses cited in the charge sheet, five have already been examined, while two official witnesses, i.e., the doctor and the Investigating Officer, remain to be examined. The report further states that, if the prosecution as well as the defence will co-operate in this case, it may be concluded within three to four months.

7. It is very strange and surprising that the examination of the two official witnesses, i.e., the doctor and the

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Investigating Officer, has remained pending for the last 15 to 16 months. In these circumstances, the Superintendent of Police, Madhubani, is directed to ensure the production of the aforesaid official witnesses before the learned Trial Court. He shall personally look into the matter and monitor the progress of the trial to ensure its conclusion within the time frame indicated in the report dated 03.10.2026.

8. Considering the fact that, out of the seven prosecution witnesses cited in the charge sheet, five have already been examined and only two official witnesses, i.e., the doctor and the Investigating Officer, remain to be examined, this Court is not inclined to grant the privilege of regular bail to the petitioner at this stage.

9. Accordingly, the prayer for regular bail of the petitioner is rejected.

(Girijish Kumar, J)

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