



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1062 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -MUSRIGHARARI District- SAMASTIPUR

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Upendra Das Son of Sukhdev Das, Resident of Village - Rupauli, P.S. - Musrigharari, District - Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.1099 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -MUSRIGHARARI District- SAMASTIPUR

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Kanhaiya Choudhary Son of Late Giridhar Choudhary Resident of Village - Rupauli, P.S. - Musrigharari, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.2060 of 2015

Arising Out of PS.Case No. -126 Year- 2014 Thana -MUSRIGHARARI District- SAMASTIPUR

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Naresh Choudhary son of Late Kesho Choudhary, resident of Village- Rupauli, P.S.- Musrigharari, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.1062 of 2015)

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Sadanand Paswan, Spl.P.P.

(In Cr.Misc. No.1099 of 2015)

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Sadanand Paswan, Spl.P.P.

(In Cr.Misc. No.2060 of 2015)

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Ram Shankar Das, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 04-03-2015 All these three bail petitions arise out of the common police station case, therefore, with the consent of the parties, they

have been heard together and are being disposed of by this common order.

The petitioners of all the three cases seek bail in a criminal prosecution registered under Sections 387, 307, 302/34 of the Indian Penal Code as also under Sections 3(1) (x)/ 3(2) of the Scheduled caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and under Section 27 of the Arms Act.

Learned counsel appearing on behalf of the petitioners submits that though the petitioners are named in the F.I.R. vide Annexure-1 as accused, but there is no specific allegation against them for committing the crime in question. It is pointed out that no specific weapon has been attributed against these petitioners.

Learned Special P.P. appearing on behalf of the State has opposed the prayer and has submitted that there are specific allegations against the petitioners for committing the crime in question and further all the three petitioners have criminal antecedents and they are accused in other criminal cases also, besides the present one.

Taking into consideration the fact that all these three petitioners are alleged to have fired, as a result of which husband of the informant died instantaneously on the spot and further taking into consideration the fact that the post-mortem report shows multiple gun shot injuries on the person of the deceased, this Court is not inclined to accede to the prayer made on behalf of the petitioners for grant of bail in connection with Musrigharari P.S. Case No. 126 of 2014 of 2014, pending in the court of learned Judicial Magistrate, 1st Class, Samastipur. Accordingly, their prayer for bail is rejected for the present.

Learned Magistrate in seision of the case is directed to

commit the case of all the three petitioners to the court of sessions forthwith, if not already committed. On such commitment, the trial of all these three petitioners shall be taken up on priority basis and all endeavours shall be made to conclude the trial at an early date preferably within a period of one year from the date of framing of charge. However, if the trial of the petitioners is not concluded within the aforesaid period of time, without there being any fault on the part of the petitioners, then they shall be at liberty to renew their prayer for bail.

(Birendra Prasad Verma, J)

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