

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34758 of 2015

Arising Out of PS.Case No. -109 Year- 2014 Thana -PURAINI District- MADHEPURA

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1. Lukhri Devi Wife of Rajkumar Mehta
 2. Raj Kumar Mehta, Son of Bhola Mehta
 3. Chhotelal Mehta, son of Bhola Mehta
 4. Bhola Mehta, son of Late Chhedi Mehta All resident of village-Korchakka Basa, Police Station- Puraini, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha
For the Opposite Party/s : Mr. Sanjay Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 24-11-2015 A supplementary affidavit has been filed on behalf of petitioner nos. 2 and 3. Keep it on the record.

By order dated 16.10.2015 petitioner no.1 and petitioner no.4 have already been allowed and now this criminal miscellaneous application is for hearing with respect to petitioner no.2, Raj Kumar Mehta and petitioner no.3, Chhotelal Mehta.

Heard learned counsel for the petitioner nos. 2 and 3 and learned A.P.P. for the State.

The petitioner nos. 2 and 3 seek bail in connection with Puraini Police Station Case No. 109 of 2014 for the offences punishable under Sections 147, 148, 149 and 302 of the Indian

Penal Code and 27 of Arms Act, pending in the Court of Sri Pradeep Kumar Chaudhary, learned Judicial Magistrate, 1st Class, Udakishuganj, District- Madhepura.

Allegedly, Mithilesh Mehta, the son of the informant was sitting at his Machan in front of his house then the petitioners and other co-accused armed with lathi, sword, Garasa, three-nut and masket came there and brought him on the soiling road by dragging him and assaulted him brutally and when the informant tried to rescue him, all the accused persons started firing resulting the informant fled away and thereafter his son died.

Submission is of false implication and that petitioner no.2 has filed Complaint Case No. 130 of 2014 against the prosecution party wherein cognizance has already been taken and the wife of petitioners no.3 has also filed Complaint Case against the informant's side. There is general and omnibus allegation. Four external incised wounds have been found on the person of the deceased, out of which injury no.1 proved fatal, who is responsible of this injury that has not come either in the fardbeyan or during investigation. The petitioners are suffering in custody since 12.12.2014, charge sheet has already been filed and there is no chance of tampering with the prosecution evidence. By order dated 16.10.2015, petitioner no.1 and petitioner no. 4

have been allowed bail and as such the petitioners also deserve sympathetic consideration to which learned A.P.P. opposes by submitting that the petitioners were armed with swords and they are responsible of incised wounds.

In the facts and circumstances, as stated above, considering that the petitioners were armed with swords and on the person of the deceased four incised wounds have been found and as such this Court is not inclined to enlarge petitioner no.2 and petitioner no.3 on bail and accordingly, their prayer for bail stands rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of six months , failing which the petitioners will be liberty to renew their prayer for bail.

(Jitendra Mohan Sharma, J)

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