

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8758 of 2015

Arising Out of PS.Case No. -88 Year- 2003 Thana -BENIPATTI District- MADHUBANI

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Awadh Kishore Bhandari @ Awadh Bhandari son of Late Jai Narain Bhandari @ Janak Narain Bhandari, resident of village- Arer Tole Sinuara, Police Station- Arer, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With

Criminal Miscellaneous No.13416 of 2015

Arising Out of PS.Case No. -88 Year- 2003 Thana -BENIPATTI District- MADHUBANI

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MATVAR CHAUDHARY @ MATWAR CHAUDHARY Son of Late Panch Kauri Chaudhary Resident of Village- Arer tole, Sinuara, p.s- Arer, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.8758 of 2015)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Atul Chandra(App)

(In Cr.Misc. No.13416 of 2015)

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. R.B.Rai Raman(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

06/ 29-06-2015

Perused the report of the Joint Registrar (List) dated 17.06.2015 which reflects that co-accused Keshav Narayan Bhandari was granted bail vide order dated 07.07.2008 passed in Cr. Misc. No. 15255 of 2008, but the computer report wrongly reflects that the criminal application was dismissed. The

report does not stipulate what action has been taken against the person who made such wrong entry. From order dated 07.07.2008 passed in Cr. Misc. No. 15255 of 2008 it appears that the bail application of the accused Keshav Narayan Bhandari was earlier rejected on 03.09.2007.

Let Joint Registrar (List) submit a fresh report in this regard.

Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 29.09.2014 and 23.02.105 in a case registered for the offences punishable under Sections 447, 147, 148, 149, 341, 323, 324, 324, 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that the FIR named accused persons came variously armed and assaulted the father of the informant by Khukhari and Farsa as a result the victim fell down them all the accused persons assaulted him. By the time the informant went to the house and after the accused persons escaped from the scene he found his father dead.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The case lodged by the petitioners side at earlier point of time and one

person from the petitioners side also died, moreover, co-accused Keshav Narayan Bhandari has been granted bail vide Cr. Misc. No. 15255 of 2008 on 07.07.2008 and the arrest of the petitioners was stayed by the police authorities.

Considering the nature of accusation and the fact that the case was instituted in 2003 and the petitioners were arrested/surrendered in September, 2014 and February, 2015, this Court is not inclined to grant bail to the petitioners at present in connection with Arer P.S. Case No. 88 of 2003 pending in the court of learned Judicial Magistrate, Ist Class, Madhubani.

Accordingly, the prayer for bail of the petitioners is rejected.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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