

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4211 of 2015

Arising Out of PS.Case No. -93 Year- 2011 Thana -PURANHIA District- SHEOHAR

Santosh Jha @ Santosh Kumar Jha S/O Chandrashekhar Jha Resident of vill-Dostiya,P.S-Puranhia,Distt.-Sheohar

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

with

Criminal Miscellaneous No.20524 of 2015

Arising Out of PS.Case No. -93 Year- 2011 Thana -PURANHIA District- SHEOHAR

Chiranjivi Sagar @ Chiranjivi Bhagat S/O Sri Bindeshwar Bhagat, R/o Village- Hajpurva (Hajipur Basant), P.S.- Runni Saidpur, District-Sitamarhi

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.4211 of 2015)

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. S.Dayal(APP)

(In Cr.Misc. No.20524 of 2015)

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari(APP)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 19-05-2015 Heard Dr. Amrendra Kumar learned counsel for the petitioner in Cr. Misc. No. 4211 of 2015, Mr. Alok Kumar who has appeared in Cr. Misc. No 20524 of 2015 and learned APP for the State.

Both the cases arise out of the same police case being Purnahia P.S. Case No. 93 of 2011 and, as such, they have been

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

The FIR relating to murder of the brother of the informant at the hands of unknown criminals was registered on 24.11.2011. According to the prosecution case while the deceased was at the house three accused persons riding on motor-cycle(s) came there and spread/rained bullets. The brother of the informant received bullet injuries and subsequently died. The wife and the daughter of the deceased also suffered fire-arms injuries but they survived. In course of investigation, statement of witnesses have been recorded wherefrom names of the petitioners figured as the accused persons who along with some other named therein had committed the occurrence. Similar statement came from the mouth of the wife and the daughter of the victim but at the belated stage of investigation.

It has been submitted on behalf of the petitioners that they are not named in the FIR. During investigation, their names surfaced along with the names of other co-accused persons who have since been released on bail. Copies of the bail orders passed in Cr. Misc. Nos. 49498 of 2012, 25715 of 2012 and 48491 of 2012 have been produced for perusal and it is contended that the petitioners of both the case deserve the privilege of bail.

Learned APP, on the other hand, opposed the prayer. It has been stated that petitioners of both the cases are accused(s) in more than two dozen cases, some of them are of heinous nature. The trial of the case(s) has already commenced insomuch so charges have been framed. The wife and the daughter of the victim in their statements under section 161 Cr. P.C. have named the petitioners.

I have considered the submissions and perused the orders

which were passed in the cases in which some of the accused persons have been released on bail. The petitioners are facing criminal charges in close to 24 cases. The aforesaid facts as also the fact that the trial has already commenced persuade this Court not to release the petitioners on bail. Prayer for bail on their behalf is accordingly rejected.

Considering the fact that petitioners are languishing in jail for more than a year, this Court grants them liberty to renew their prayer for bail in the court below itself if all the prosecution witnesses are not examined within seven months from the date of receipt/production of a copy of this order in the court below.

(Kishore Kumar Mandal, J)

HR/-

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