

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49764 of 2014

Arising Out of PS.Case No. -21 Year- 1997 Thana -MANSAHI District- KATIHAR

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1. Shankar Sah son of Yadu Sah
2. Yuvraj Rishi son of Late Sarfu Rishi both resident of Village- Chhoti Bathana, P.S. - Mansahi, Dist- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Ritambhara

For the Opposite Party/s : Mr. S.M. Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 15-05-2015 Heard learned counsel for the petitioners and learned APP for the State.

This is a repeat application for bail in a case instituted under section 302/34 IPC and section 27 of the Arms Act.

Going by the allegation contained in the FIR, petitioner no. 2 took the father of the informant to the house of petitioner no.1 whereafter petitioner no.1 is said to have fired at the chest of the deceased. Petitioner no.2 had caught hold of him. The occurrence had taken place in 1997. It appears that the petitioners remained absconder for more than ten years. Ultimately, they were apprehended and are lodged in custody since 22.06.2013.

Learned counsel for the petitioners submits that they

remained in custody for nearly two years and the trial has not concluded.

It appears from perusal of the report that the trial has already commenced inasmuch as four witnesses have been examined. Remaining four are likely to be examined.

Considering the allegation coupled with other facts emanating from the impugned order, this Court is not inclined to release the petitioners on bail. Their prayer for bail is accordingly rejected. However, in view of period of incarceration, this Court observes that if the entire prosecution witnesses are not examined within five months from the date of receipt/communication of a copy of this order, the petitioners shall have liberty to move for bail.

(Kishore Kumar Mandal, J)

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