

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8257 of 2016

Arising Out of PS.Case No. -269 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

- =====
1. Bishwanath Ram son of Late Sukhari Ram,
 2. Biran Ram son of Bishwanath Ram, Both are resident of Village- Karariya, Purab Tola, Police Station- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 14-09-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 24.12.2014 in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 302/34 of the Indian Penal Code.

The prosecution case is that on 3rd March, 2014, the father of the informant was assaulted by petitioner Bishwanath Ram and co-accused Ram Naresh Ram, subsequently on 30.06.2014 at 6.30 P.M., the father of the informant, while coming home, was assaulted by the petitioners and co-accused Ram Naresh Ram and when the mother and sister of the informant

went to rescue, they were also assaulted, subsequently, the father of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the FIR has been lodged with inordinate delay as for the occurrence of 30.06.2014 at 6.30 P.M. the FIR was registered on 01.07.2014 at 8.30 A.M. Moreover, the accusation is omnibus and general. Neither the informant nor the mother or sister of the informant were seen the actual assault to the father of the informant. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

The earlier prayer for bail of the petitioners was rejected vide order dated 05.05.2015 passed in Cr. Misc. No. 14857 of 2015 with observation at present with liberty to renew prayer for bail if the trial is not concluded within a period of nine months.

A supplementary affidavit has been filed stipulating that charge has been framed on 17.06.2016. Statement to that effect has been made in paragraph 3 of the supplementary affidavit, which reads as follows:-

“That the trial of the petitioners has not been concluded as yet. From perusal of the order sheet of the court below, it appears that the charges have been framed against the petitioners on 17.06.2016 for the offences under Sections

*302/34, 323, 324, 307/34, 379/34 and 341
of the Indian Penal Code.”*

Considering the fact that the accusation being omnibus and general and there is no likelihood of conclusion of trial in near future coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 269 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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