

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6041 of 2016

Arising Out of PS.Case No. -306 Year- 2013 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Sahdeo Bhagat, son of Late Nanhak Bhagat
 2. Shambhu Bhagat, son of Sri Sahdeo Bhagat
 3. Rajesh Bhagat, son of Sri Sahdeo Bhagat
 4. Sukhal Bhagat @ Sukul Bhagat, Son of Late Laldeo Bhagat
- All are residents of Village - Mustafapur, P.S. - Bidupur, District - Vaishali.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Amit Kumar

For the Opposite Party : Mr. Smt. Anusaiya Jaiswal, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-08-2016

Heard both sides.

Petitioners seek bail in Bidupur P. S. Case No. 306 of 2013 registered under Sections 302 and other Sections of the I.P.C.

The prayer for bail was earlier rejected vide order dated 24.12.2014 passed in Criminal Misc. No. 28471 of 2014 with a direction to the trial court to expedite the trial and conclude the same within 9 months. If the trial is not concluded within the stipulated time, the petitioners may renew their prayer for bail before the learned court below.

Learned counsel for the petitioners submits that all accused persons are alleged to have assaulted with *lathi* and

danda causing death of Andher Bhagat, the son of the informant. Petitioner No. 1 Sahdeo Bhagat is alleged to have given order. It is submitted that six injuries are found. Most of the injuries found on non-vital part of the body except injury no.2 which was found on the head.

There is a counter version in which it is alleged that the deceased had attempted to outrage the modesty of the wife of Bimal Bhagat. Petitioners are in jail since 20.03.2014. The petitioners have already remained in jail for about 2½ years.

The learned APP however opposed the prayer for bail.

It appears that the prayer for bail was earlier rejected vide order dated 24.12.2014 with a direction to the trial court to conclude the trial within 9 months, but from perusal of the report, the Additional District and Sessions Judge-IV did not take any sincere efforts in concluding the trial and appears to have sat over the matter ignoring the directions of this Court and reported that the trial would be concluded within one year. The charge was framed by the court below only on 07.01.2016 i.e. more than after a year. The learned Additional District and Sessions Judge-IV, Vaishali, Hajipur is directed to be careful in obeying the order of this Court.

Considering the facts aforesaid and the petitioners are in jail for about 2½ years, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Vaishali at Hajipur in connection with Sessions Trial No. 352 of 2015 arising out of Bidupur P. S. Case No. 306 of 2013.

(Prabhat Kumar Jha, J.)

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