

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7680 of 2016

Arising Out of PS.Case No. -121 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Haroon Mian,
2. Baitullah Mian, Both son of Gaffur Mian, both resident of Village-
Guruwalia, Shivala Tola, P.S. Manuapul, District West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Krishan Pd. Singh, Sr. Advocate.
Mr. Ranjay Kumar Singh, Advocate.

For the Opposite Party : Mr. Uma Nath Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-11-2016 Heard Shri Krishan Pd. Singh, learned senior counsel
for the petitioners and learned APP for the State.

The petitioners seek bail in Bettiah Muffasil
(Manuapul) P.S. Case No. 121 of 2015, registered for the offences
punishable under Sections 302 and 34 of the Indian Penal Code.

Prayer for bail of the petitioners was earlier rejected
vide order dated 02.07.2015 passed in Cr. Misc. No. 18808 of
2015.

Shri Krishan Pd. Singh, learned senior counsel for the
petitioners submits that five persons are alleged to have assaulted
the deceased Imteyaz out of which three persons Akhtar Mian was
granted bail vide order dated 09.02.2016 in Cr. Misc. No. 51140

of 2015. Akbar Mian and Babun Mian have been granted bail on 07.10.2015 vide order passed in Cr. Misc. No. 38334 of 2015. The case of the petitioners stands on the same footing as all the accused persons are alleged to have assaulted the deceased but no specific allegation of assault is made.

On the other hand, learned counsel for the informant as well as learned APP for the State opposed the prayer for bail of the petitioners.

It appears that all the five accused persons indiscriminately assaulted Imteyaz and from perusal of the post-mortem report it appears that Imteyaz has got as many as nine injuries all over his body and he succumbed to the injuries. A report was called for about the stage of trial and Additional Sessions Judge, 1st Bettiah, West Champaran has reported that five witnesses have already been examined.

Considering the facts aforesaid and the fact that the petitioners are alleged to have indiscriminately assaulted the deceased, I am not persuaded to grant bail to the above named petitioners. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within four months from the date of receipt of this order. The S.P., Bettiah is directed to ensure the

attendance of all the prosecution witnesses in Bettiah Muffasil (Manuapul) P.S. Case No. 121 of 2015, corresponding to Sessions Trial No. 406 of 2015, so that the trial must be concluded within four months.

If the trial is not concluded within four months, the petitioners may renew their prayer for bail firstly before the court below.

(Prabhat Kumar Jha, J.)

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