

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49173 of 2015

Arising Out of PS.Case No. -218 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Lal Babu Rai
2. Pramod Rai Both sons of Tej Narain Rai Residents of village -
Kadamawa, Police Station - Ghorasahan, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Ghorasahan
P.S. Case No. 218 of 2014 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly for washing leg on the hand-pump, the
petitioners and co-accused Ratnesh Rai started assaulting Jamuna
Rai, the father of the informant and pressed his neck causing his
death and when the informant and his mother came and on alarm
being raised, then the accused person fled away.

Submission is of false implication and that the
informant is not the eye witness in this case and further during

investigation also no eye witness has come forward to say that the petitioners assaulted the deceased, the dead body was found lying on a cot in the *Gawas* of the deceased vide para 7 of the case diary, the informant has developed the prosecution version, in inquest report there is some addition with another pen and the doctor has found ligature mark on the neck, other witnesses have stated that co-accused Ratnesh Rai was not present in the village on that date and, as such, the petitioners who are suffering in custody since 01.05.2015, deserve sympathetic consideration to which the learned A.P.P. opposes by submitting that the doctor has found cause of death due to asphyxia as a result of strangulation.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners, this Court is not inclined to enlarge the petitioners on bail and accordingly, their such prayer stands rejected.

However, considering the detention of the petitioners, the trial court is directed to expedite the trial and conclude the same within six months failing which the petitioners may be at liberty to renew their prayer for bail.

(Jitendra Mohan Sharma, J)

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