

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45176 of 2016

Arising Out of PS.Case No. -346 Year- 2013 Thana -VAISHALI District- VAISHALI(HAJIPUR)

- =====
1. Shiv Shankar Rai Son of Kamal Rai,
 2. Deep Narayan Rai, Son of Late Rajendra Rai, Both are resident of Village- Khajuatta, P.S.- Vaihshali, District- Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Nilesh Kumar, Advocate

For the Opposite Party : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-12-2016 Heard the learned counsel for the petitioners and the learned APP for the State.

Petitioners are languishing in judicial custody since 12.08.2016 in connection with Vaishali P.S.Case No.346 of 2013 pending in the Court of learned CJM, Vaishali at Hajipur for offence alleged under Sections 302 and 201/34 of the IPC.

The prosecution case as lodged by the informant is that his elder brother, namely, Shiv Shanker Rai was taken away by the two petitioners and two others for settling the land dispute. Thereafter, his brother did not return. On search also his brother could not be found. The next day a dead body was found lying by the side of the road and a motorcycle was also found at a distance of 100 ft. from the dead body which was identified as the deceased



brother.

It has been submitted by the learned counsel for the petitioners that they are innocent and have no criminal history and on the other hand, the brother of the deceased had criminal history even the motorcycle was found to be stolen one. He further submits that from various paragraphs of the case diary, it appears that the deceased was found with another person, namely, Jawahar Rai and that the dispute between them was settled long back. It is further submitted that both sides were on inimical terms, hence, the petitioners have been made accused by the informant's side. It is further submitted that there is no eye witness to the alleged occurrence and even as stated by one of the witnesses, he was last seen with the informant himself. It is further submitted that chargesheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioners are named in the FIR and many of the witnesses have seen the petitioners along with other co-accused on their motorcycle along with the deceased on his motorcycle, hence, opposes the prayer for bail.

Considering the submissions of the parties, I am not inclined to grant the privilege of bail to the petitioners at this



stage. Accordingly, this application is rejected.

It is expected that the trial would be expedited and concluded expeditiously.

(Nilu Agrawal, J)

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