

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21318 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -DARIYAPUR District- SARAN

- =====
1. Subash Gupta S/o Ramchandar Sah
 2. Mohit Gupta S/o Sri Amod Gupta
- Both resident iof Village+PS- Dariyapur Dist- Saran Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv.

For the O.P. No.2 : Mr. Manoj Kumar, Adv.

Mr. Shyameshwar Singh, Adv.

For the Opposite Party/s : Smt. Nirmala Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 19-05-2016

Heard learned counsel for the petitioners and counsel
for the State.

In this case, the petitioners are seeking bail in
connection with Dariyapur P.S. Case No. 83 of 2016 for offences
under Sections 302/307/34 of the Indian Penal Code and Section
27 of the Arms Act.

As per First Information Report, in the midnight, 10
accused persons including the petitioners entered into the house of
the Informant. They were armed with rifle and pistol. There is no
allegation that the petitioners were also armed with gun but there
is a specific allegation that Amod Kumar Gupta killed the mother
of the Informant and Pramod Gupta killed the father of the
Informant. Learned counsel for the petitioners submits that there

was no source of identification. It has also been submitted that there is no allegation against the petitioners of actively participating in the commission of offence. Learned counsel for the petitioner has also taken a defence that prior to the occurrence, there was enmity in the family as the Informant side have killed the relation of these petitioners and for that they have already been convicted in the offence and, on that count, the petitioners have been falsely made accused in this case.

Learned counsel for the Informant submits that in the midnight all the accused persons have entered into the house of the Informant and they have surrounded and killed the father and mother of the Informant.

Looking to the manner of offence and the method adopted for committing the offence in which they have raided the house of the Informant with concerted mind to commit offence which itself shows their intensity in the commission of crime, this Court is not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners, namely, Subash Gupta and Mohit Gupta is rejected.

(Shivaji Pandey, J)

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