

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26005 of 2017

Arising Out of PS.Case No. -37 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Sunil Rai Son of Ram Chandra Rai Resident of Village-Sirauli P.S.-
Madhuban District-East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.11.2016 in connection with Madhuban P.S. Case No. 37 of
2015 pending in the Court of learned Sub-Divisional Judicial
Magistrate, Sikarhana, East Champaran registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant,
is that on the alleged date of occurrence, his brother, Yadolal
Rai was sleeping outside the verandah guarding the bags of
grains and other articles. At 12 O'clock in the night, he heard



some noise and came out of the house with torch and stick and saw that petitioner along with two others and 5-6 unknown persons came out with dab and his brother was wriggling. Petitioner has been alleged to have seen with blood stained dab, who along with other co-accused, has killed his brother due to dispute regarding landed property for which his brother had to appear in the court on the next day for evidence.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to land dispute. He submits that trial has already begun and summons have already been issued to the witnesses and he is ready to cooperate with the trial.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was seen along with other accused persons and the brother of the informant has been killed.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is,



accordingly, rejected.

However, learned Trial Court is directed to expedite the trial and conclude within a period of one year.

(Nilu Agrawal, J.)

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