

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43816 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ram Ekwai Baitha, Son of Late Banarash Baitha,
2. Ram Narayan Baitha Son of Late Banarash Baitha,
3. Kumud Ram Son of Faguni Ram, All R/o Village- Bela Baiju, P.S.-
Patahi , District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 20-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Patahi P.S.
Case No. 63 of 17 for offences punishable under Sections 147,
148, 149, 341, 452, 342, 324, 302, 120-B of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that while she was at home and sleeping with her two younger
sisters, somebody asked to open the door. She found the
petitioners along with Jamadar, Dularchandra Ram, of the police
station who inquired about the informant's father and on getting
information that he was not at home, they went away but after that



the petitioner along with three other accused persons came, variously armed with weapons, and dragged the informant's mother out of the house. While it is alleged that the petitioner nos. 1 and 2 had *chhura* in the hand, the allegation upon petitioner no. 3 is that he was armed with *Garasa* and other accused persons were armed with *Kulhari*, thereafter, they closed the door from outside. In the morning, the dead body of the mother was found in the Baaswari.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case, just because there was a property dispute between the parties, in which the petitioners have been implicated by the informant's side in two more cases earlier. He submits that petitioner no. 3 is a teacher and bears no criminal antecedent and has been falsely implicated due to land dispute and political rivalry. It is submitted that the police who had come one hour earlier, has stated a different version that the mother of the informant (deceased) was not at home. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner and the petitioners are languishing in judicial custody since 30.04.2017.

However, learned counsel for the informant opposes the



prayer for bail stating therein that it was a brutal murder committed by the petitioners and the post-mortem report specifies six injuries, caused by sharp cutting weapons.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioners and accordingly, their prayer for bail stands rejected in connection with Patahi P.S. No. 63 of 2017 pending before learned Chief Judicial Magistrate, Motihari, East Champaran.

However, the learned court below is directed to expedite the trial.

Petitioners are at liberty to renew their prayer for bail after one year, if trial is not concluded by that time.

(Nilu Agrawal, J)

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