

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44111 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -KATEYA District- GOPALGANJ

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1. MANISH TIWARI @MANISH TIRPATHI, S/o Sri Ashok Tiwari,
Resident of Village-Belaura, P.S. Kateya District-Gopalganj.
2. Mantu Shukla, S/o Sri Sheojee Shukla, Resident of Village-Mishrauli,
P.S. Kateya, District-Gopalganj Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Devanand Tiwari, Adv.

For the Opposite Party : Mr. Sanjay Kumar Sharma, APP 236

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 18-10-2017

Heard both sides

The petitioners seek bail in Kateya P.S. Case No. 138 of 2016 under Section 307 and other sections of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The learned counsel for the petitioners submits that there is general and omni bus allegation of assault against all the accused persons, named in the first information report, but, prayer for bail of the petitioners, Manish Tiwari and Mantu Shukla, was rejected on 01.03.2017 passed in Cr. Misc. No. 55403 of 2016. Other accused persons, namely, Bateshwar Tiwari, Annu Tiwari, Nanahaku Tiwari and Law Kush Tiwari, were granted bail by a coordinate Bench of this Court vide order, dated 03.08.2017, passed in Cr. Misc. No. 25253 of 2017 and Cr. Misc. No. 25516 of 2017 and the case of the petitioners stand on similar footing.

The petitioners are in jail for more than one year. It appears that prayer for regular bail of the petitioners was rejected earlier on consideration that the deceased, Kailash Mihsra got as many as nine injuries all over his bodies. Besides, Kailash



Mishra, three more persons were injured. Kailash Mishra succumbed to the injuries during the course of treatment.

Considering the facts, aforesaid, I am not inclined to enlarge the petitioners on bail.

The prayer for bail is **rejected**.

The trial Court is directed to hold the trial on day-to-day basis and conclude the same within six months, from the date of receipt of this order. If the trial is not concluded, then the petitioners may renew their prayer for bail after six months.

(Prabhat Kumar Jha, J)

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