

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5783 of 2017

Arising Out of PS.Case No. -687 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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1. Ravindra Rai
2. Devendra Rai
3. Shyam Rai All Sons of late Bigan Rai
4. Manjay Rai Son of Ganaur Rai All Resident of Village- Chiknauta, P.S.-
Karja, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
Mr. Ajay Kumar

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-03-2017 The petitioners are in custody since 16.12.2016 in connection with Ahiyapur P.S. Case No. 687 of 2015, registered for offences punishable under Sections 147, 148, 149, 341, 348, 323, 324, 307, 302 and 120(B) of Indian Penal Code.

At the very outset, it has been submitted by learned counsel for the petitioners that petitioner no. 4 has already been granted bail by giving him benefit of Section 167(2) of Cr.P.C. as such he does not wish to press the application as against petitioner no. 4.

So far other petitioners are concerned, it has been submitted that allegation against these petitioners is that they along with other demanded land from the deceased and due to non fulfillment of the said demand, they have killed the deceased by



setting her on fire, however, all the allegations are false and concocted as upto now four witnesses have been examined in this case and they have categorically stated that these petitioners were not present at the place of occurrence. So far dying declaration of the deceased is concerned, there is no corroboration in the dying declaration and they have been in judicial custody since 16.12.2016 and one co-accused, namely, of this case has already been granted bail by this Court vide order dated, 16.03.2016, passed in Criminal Miscellaneous No. 2964 of 2016.

Heard learned A.P.P. also.

Having heard both sides, from perusal of the record, it appears that a dying declaration of deceased is there in which the deceased has named the petitioners and others and as argued by learned counsel for the petitioners that four witnesses have already been examined in this case, as such, I am not inclined to grant the petitioners, the privilege of regular bail, it is accordingly rejected.

However, since the petitioners have remained in judicial custody for about four months, learned trial court is directed to expedite the trial and try to conclude the same as soon as possible.

(Vinod Kumar Sinha, J)

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