

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22498 of 2017

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

- =====
1. Mohit Gupta, Son of Sri Amod Gupta
 2. Subhash Gupta @ Subash Gupta, Son of Sri Ram Chandra Sah
Both Resident of Village Dariyapur, P.S. Dariyapur, District Saran
(Chapra) Bihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate

For the Opposite Party/s : Mr. M.K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 31-01-2018 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are seeking regular bail in connection with Dariyapur P.S. Case No.83 of 2016 (G.R. No.2116 of 2016), for the offence under Sections 302/307/34 of the Indian Penal Code and under Section 27 of the Arms Act.

Earlier, the petitioners have moved for bail in Criminal Miscellaneous No.21318 of 2016, which has been rejected vide order dated 19.05.2016.

The raid was done in the midnight, in which the father and mother of the informant were killed by the raiding party. The petitioners were also the party of the raiding party.



The FIR has been lodged by the son of the deceased, who is an eye witness.

Learned counsel for the petitioners submits that the petitioners are remained in jail since two years. There is history in the family that son used to kill his father, as the petitioners were witnesses of that case they have been roped in the present case. He further submits that with respect to five persons still the investigation has not been completed and continuation of the trial will prejudice the case of those persons whose case is under investigation by the police as also the case of the petitioner.

Learned counsel for the State submits that the raid was done in the midnight, all the accused persons have entered into the house and they have surrounded and killed the father and mother of the informant.

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners as merely the petitioners were witnesses of that case cannot be a ground to grant bail to the petitioners. Further, if any prejudice is there, it is for the petitioners to take steps before the Court below, in the bail application no such order can be passed.

This Court had called for the report, from where it appears that the charges have been framed and summon has been



issued to the witnesses for examination. Let the 11th Additional Sessions Judge, Saran at Chapra, expedite the trial and conclude the same as early as possible.

(Shivaji Pandey, J)

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