

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.78760 of 2018**

Arising Out of PS. Case No.-169 Year-2017 Thana- VIJAYEPUR District- Gopalganj

1. Durgawati Devi, Wife of Sarau Sah @ Saryug Sah,
2. Sankeshiya Devi, Wife of Dharmendra Sah, Both are resident of Village- Chhitauna, P.S.- Vijayipur, District- Gopalganj.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Dubey  
For the Opposite Party/s : Mr. Amit Kumar Rakesh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2      09-01-2019                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in connection with Sessions Trial No.104 of 2018, arising out of Vijayipur P.S. Case No. 169 of 2017 registered under Sections 302 & 120-B of the Indian Penal Code.

Petitioners are said to have committed murder of the four years old son of the informant by slitting his neck and dumped his dead body in the bush.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in the case to grab the property of the petitioners. There is no eye witness of



the occurrence. It is further submitted that earlier the bail prayer of the petitioners was rejected vide order dated 20.02.2018 with a direction to the learned Trial Court to conclude the trial as expeditiously as possible preferably within nine months from the date of commitment of the case. But till date out of ten witnesses only four have been examined by the prosecution who are not eye witnesses of the occurrence and the case has not yet been concluded despite elapse of one year, hence the petitioners may be enlarged on bail.

On the other hand, it is submitted by learned counsel for the informant as well as learned APP for the State that the witnesses in paras-54 & 55 of the case diary have stated about witnessing the petitioners taking the deceased towards their house. Number of witnesses have also divulged about witnessing the petitioners cleaning the blood stained clothes on the hand pump. I.O. has also recovered blood stained clothes from the house of the petitioners.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Prayer for bail of the petitioners is rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within



six months from the date of receipt/production of a copy of this order fixing the case on day to day basis. The Superintendent of Police, Gopalganj is also directed to ensure presence of the witnesses on the date fixed in the case without fail.

Let a copy of this order be communicated to the Superintendent of Police, Gopalganj for needful.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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