

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12703 of 2020**

Arising Out of PS. Case No.-151 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. Gautam Sah @ Gautam Sahu, S/o Ganga Sah, R/o Village- Ujua, P.S.- K. Asthan, District- Darbhanga.
 2. Munna Sah, S/o Ganga Sah, R/o Village- Ujua, P.S.- K. Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 02-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with K. Asthan P.S. Case No.151 of 2019 instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 302 and 504 of the



Indian Penal Code and Sections 25(1-b)a, 26 and 27 of the Arms Act, which is pending in the court of the learned Additional Sessions Judge-I, Benipur.

Nine named persons, including the petitioners, and 8-10 unknown persons, based on subsisting land dispute, and during the course of a *Panchayati*, have allegedly opened fire and assaulted the informant's family members. Four people have suffered loss to life.

Petitioners' Counsel submits that though from the allegations made in the F.I.R. itself, it is apparent that the petitioners had opened fire, but the same did not hit any family members of the informant. The post-mortem reports of four deceased also show that the death has been caused by either sharp-cutting weapons or hard and blunt substance. None have died from the fire opened by the petitioners. It is submitted that in these circumstances, the petitioners are in custody since 22.06.2019.

Learned APP for the State has opposed the prayer for bail. He submits that a large number of persons, including the petitioners, have been named as accused by name. The F.I.R. discloses active participation of the petitioners in the occurrence as they along with others are said to have opened fire in which



four persons have lost their lives. He further submits that the active participation of the petitioners in the alleged occurrence cannot be ruled out.

Considering the rival submissions and the nature of allegations, this Court for the present is not inclined to allow the petitioners' prayer for bail. The same is rejected.

This Court would also only indicate that the court below should proceed with the trial with due expedition and without any undue delay.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

