

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12404 of 2021

Arising Out of PS. Case No.-143 Year-2004 Thana- GHORASAHAN District- East
Champaran

- =====
1. BANDHU RAI Son of Rajendra Rai
 2. Jawahar Rai Son of Late Nathuni Rai
 3. Ramawadh Rai Son of Late Sajawal Rai
- All residents of Village - Dhum Nagar, P.S.- Ghorasahan, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 30-07-2021 Heard learned counsel for the parties through video
conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the F.I.R., the thirteen named accused persons including the three petitioners herein came variously armed. Rambilash Rai, Suresh Rai and Ramesh Rai started to fire indiscriminately resulting in Priyanka Kumari sustaining gun shot injury.



It is submitted by learned counsel for the petitioners that from perusal of the F.I.R. itself, no overt act is alleged against these three petitioners. There is specific allegation of firing on Rambilash Rai, Suresh Rai and Ramesh Rai. Ramesh Rai has been enlarged on bail vide order dated 4.11.2015 passed in Cr. Misc. no.31138 of 2015. The petitioner is in custody since 9.11.2020 and undertakes to abide by all the conditions which will be given by this Court for being enlarged on bail.

The prayer for bail is opposed by learned A.P.P. for the State who submits that F.I.R. was registered in the year 2004, the petitioner continued to abscond and was arrested only on 9.11.2020.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case and in view of the fact that the petitioners having absconded for more than 16 years, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

The learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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