

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13184 of 2021

Arising Out of PS. Case No.-19 Year-2020 Thana- PAWANA District- Bhojpur

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1. Nawal Musahar, S/O Late Baleshwar Musahar, R/O Village- Pawar, P.S Pawana, District- Bhojpur
 2. Bishu Musahar, S/O Kameshwar Musahar @ Bhucha Musahar, R/O Village- Pawar, P.S Pawana, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Singh, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

7 23-09-2021 The matter has been taken up today for consideration through video conferencing.

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

The petitioners seek bail in connection with Pawana P.S. Case No.19 of 2020 registered for the offence punishable under Sections 341, 323, 504, 302, 120B/34 the Indian Penal Code, which is pending in the court of learned Chief Judicial Bhojpur, Ara.

There is an allegation that these petitioners have pushed the brother of the informant from the culvert and after sitting on his chest, they have strangled him with the aid of *Gamcha*.



Petitioners' counsel submits that it is a case of false implication. He submits that the petitioners have no criminal antecedents and that no such occurrence has taken place. They are stated to be in custody since 02.05.2020.

Learned APP has assisted the Court with reference to the case diary. The manner in which the occurrence is alleged against the two petitioners finds corroboration in the post-mortem report, as per the submission of the learned APP.

Considering the rival submissions, having regard to the nature of allegations and the materials collected during the course of investigation, for the present, this Court is not inclined to allow the petitioners' prayer for bail. The same is rejected.

It is needless to say that the trial court is obliged to proceed with the trial with a view to its expeditious disposal without any undue delay or unnecessary adjournments.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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