

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1647 of 2021**

Arising Out of PS. Case No.-342 Year-2019 Thana- PIRBAHOR District- Patna

- =====
1. Md. Munna,
  2. Md. Saddam Both Sons of Sannu Mian Both Resident of Village- Paibigha,  
P.S.- Belaganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Kumari Sujata Sinha, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

6      31-08-2021                      Heard learned counsel for the parties through video conferencing.

The petitioners have renewed their prayer for bail in connection with a case registered under sections 302 and 34 of the Indian Penal Code.

As per allegations in the F.I.R., the two petitioners are stated to have stabbed their cousin Mumtaz while he was sleeping in a chicken shop. He was admitted in the emergency of the P.M.C.H. where he died in course of treatment.

It is submitted by learned counsel for the petitioners that the earlier application for bail of the petitioners was rejected vide order dated 19.2.2020 passed in Cr. Misc. no.84352 of 2019. It is submitted that they have been falsely implicated in the case. There are no eye witness to the alleged occurrence.



None has supported the allegations in course of investigation. The petitioners are in custody since 1.7.2019 and there is no chance of trial concluding in the near future. They have no criminal antecedent. They undertake to cooperate in the trial.

The prayer for bail is opposed by learned A.P.P. for the State who submits that not only there is direct allegation against the petitioners in the F.I.R. but the same is supported by the statement of the witnesses recorded in paragraph no. 6, 7 and 8 under section 161 of the Cr.P.C. as also the contents of the post-mortem report.

A report was called for from the learned trial court. As per the report contained in letter dated 21.8.2021 received from the Additional District and Sessions Judge XXVI, Patna, the case is pending for hearing on the point of charge.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

**(Partha Sarthy, J)**

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