

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35598 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SANGRAMPUR District- East Champaran

SHAMBHU MUKHIYA Son of Ganesh Mukhiya Resident of Village -
Koorgawa Been Tola, P.S.- Sangrampur, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35882 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SANGRAMPUR District- East Champaran

MUNNA MUKHIYA SON OF LATE RAMNATH MUKHIYA RESIDENT
OF VILLAGE- KOIRGAVAN BEEN TOLI, P.S.- SANGRAMPUR,
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35598 of 2022)

For the Petitioner/s : Mr.Anuj Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 35882 of 2022)

For the Petitioner/s : Mr.Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioners are accused in connection with



Sangrampur P.S. Case No. 05 of 2022 for the offence registered under Sections 302/34 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that his son who was serving in Indian Air Force had come to home and merely because of land dispute, the accused persons including the petitioners herein caught hold of him on the order of Chandeshwar Mukhiya whereafter it is alleged that Chandeshwar Mukhiya gave fatal '*khanti*' blow on the chest of his son causing his immediate death.

Learned counsel for the petitioners submit that the specific allegation is against accused, Chandeshwar Mukhiya of giving '*khanti*' blow causing death of his son. So far as these petitioners are concerned, considering the fact that there is omnibus allegation of having caught hold of the deceased coupled with the fact that they do not have criminal antecedent, they deserve bail.

Per contra, learned counsel for the informant submits that the only son of the informant, who was serving in the Indian Air Force and was at home during vacation was brutally killed by the accused persons. He further submits that although the specific allegation is against Chandeshwar Mukhiya who gave '*khanti*' blow on his chest, the role of these accused



persons cannot be ignored that they caught hold of the deceased and facilitating the fatal blow by Chandeshwar Mukhiya. His last submission is that the trial is on and four witnesses have been examined and as such it would be appropriate that direction for earlier conclusion of the trial be given.

Taking into account the aforesaid facts as also the killing of informant's son, who was serving Indian Air Force, coupled with the fact that these petitioners facilitated his killing coupled with the fact that the trial is on, the bail applications of the petitioners for the present is rejected.

The Trial Court is hereby directed to expedite the trial and conclude the same within a period of nine months.

(Rajiv Roy, J)

Jagdish/Neha-

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