

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38303 of 2022

Arising Out of PS. Case No.-214 Year-2020 Thana- CHIRAIYA District- East Champaran

1. Mahesh Mukhiya Son Of Late Sakil Mukhiya, Resident Of Village- Bara Jairam, P.S.- Chiraiya, District - East Champaran.
2. Naresh Mukhiya Son Of Mahangu Mukhiya, Resident Of Village- Bara Jairam, P.S.- Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Dhanjay Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Chiraiya P.S. Case No. 214 of 2020 lodged under Sections 302/34 of the I.P.C.

As per prosecution, the informant filed a written application stating that on 12.07.2020 at about 8.00 pm his younger brother aged about 10 years had gone outside from his door after taking meal but he had not returned after half an hour, then the informant and his family members searched his brother

but due to heavy rain, they could not search properly. In the morning they have heard hulla that one dead body lying in river canal. Informant and his family members reached there and found that his younger brother was died and his neck was cut, on the basis of which the F.I.R. has been lodged showing the suspicion against the present petitioners alongwith other 6 named accused persons.

Learned counsel for the petitioners submits that petitioners are innocent and they have committed no offence. He further submits that from the entire investigation, there is no material found against these petitioners. He further submits that petitioner no.1 is in custody since 17.03.2022 and petitioner no.2 is in custody since 29.03.2022. Counsel also submits that there are three criminal antecedents of the petitioner no.1 and he is on bail in all three cases, whereas antecedent of the petitioner no.2 is clean. Counsel further submits that the trial of some of the accused of this case has been conducted and in which other accused persons have been acquitted which is Annexure-2 series.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently

opposes the prayer for bail and submits that the petitioners are not innocent and they have committed this offence. He further submits that petitioners are absconder in this case, it is due to this reason that trial of other accused persons were commenced but trial of these petitioners are still pending. Upon specific query that whether charge has been framed or not, counsel submits that till date charge has not been framed against the present petitioners as per his knowledge.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the present petitioners at present but liberty is hereby granted to the petitioners that they may renew their prayer for bail after two months of framing of charge and Trial Court is directed to release the petitioners on bail imposing its own conditions so that they may not evade their appearance during trial.

Trial Court is directed to expedite the trial.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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