

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12959 of 2023

Arising Out of PS. Case No.-236 Year-2017 Thana- GARKHA District- Saran

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1. SOBHNATH RAI @ SOMNATH RAI Son of Ramdev Rai @ Panchi Rai Resident of Village - Rampur (Bathani Tola), P.S.- Garkha, District - Saran.
 2. Bishram Rai @ Vishram Rai Son of Ramdev Rai @ Panchi Rai Resident of Village - Rampur (Bathani Tola), P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shatrughan Pandey

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Garkha P.S. Case No. 236 of 2017 registered for the offence under Sections 147, 148, 149, 448, 307, 302 of the Indian Penal Code, sections 3/4 of the Explosive Substance Act and Section 27 of Arms Act.

3. The prosecution case, in brief, is that on 30/31.5.2017 the petitioners along with other co-accused persons entered in the house of the informant and started throwing bombs and fired with illegal arms on the informant and his other family members as a result of which three persons died on spot. The incident took place in the background of civil



dispute which was going on between the parties.

4. Earlier, bail applications of both the petitioners were rejected four times vide Annexure-1 series to the present application taking into account that three persons are said to have died in course of occurrence.

5. This is the fifth attempt for grant of bail filed on behalf of the petitioners.

6. In pursuance to the direction of this Court, a report with regard to the present stage of trial has been received by which it appears that the trial is likely to be concluded within a period of six months.

7. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. As per FIR, general and omnibus allegations against the petitioners. No source of identification has been disclosed by the prosecution as the offence is said to have taken place in the mid night. It is also submitted that similarly situated other co-accused namely, Dilip Rai whose bail petition was earlier rejected, has been granted bail by a co-ordinate Bench of this court vide order dt. 29.9.2021 passed in Cr. Misc. No. 20843 of 2020.

8. The petitioners are languishing in judicial custody since 1.6.2017 and they remained in custody for more than six



years and there is no hope of the trial being concluded in near future. As per supplementary affidavit, it appears that the further proceedings of this case in connection with S. Tr. No. 26 of 2018 arising out of P.S. Case No. 236 of 2017 has been stayed by the co-ordinate Bench of this Court vide order dt. 19.5.2022 passed in Cr. Misc. No. 7287 of 2022.

9. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioners are named in the F.I.R.

10. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Garkha P.S. Case No. 236 of 2017 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 12th Additional Sessions Judge, Saran.

(Sunil Kumar Panwar, J)

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