

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3683 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- CHAUTHAM District- Khagaria

1. Gawan Singh @ Gaban Singh
2. Mohan Singh
Both are Sons Of Late Bachilal Singh @ Late Bachchilal Singh @ Late Bachchilal Singh R/O Village- Nirpur, P.S.- Chautham, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate
For the Opposite Party/s : Mr.Mrityunjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 15.07.2022 in connection with S. Trial No.341 of 2022 arising out of Chautham P.S. Case No. 149 of 2022, G.R.No.1523 of 2022, F.I.R. dated 10.06.2022 registered for the offence punishable under Sections 341,323,324,307,379,504 of the Indian Penal Code +302/34 of Indian Penal Code.

Allegation against petitioner No.1 is that he gave a Dabiya Blow on the head of the deceased and allegation against petitioner No.2 is that he gave an iron rod blow on the head of the deceased.



Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that as per allegation in the FIR petitioner No.1 has given a Dabiya Blow on the head of the deceased and allegation against petitioner No.2 is that he gave an iron rod blow on the head of the deceased. Further submits that the injury report of the deceased does not support the allegation as alleged in the FIR.

Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioners and submits that the postmortem report of the deceased fully corroborated the allegation as alleged in the FIR against both the petitioners. Further submits that there is direct allegation against the petitioners which was supported by the medical evidence.

Vide order dated 25.04.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 08.05.2023 reveals that the record is on Evidence stage.

Learned counsel for the petitioners and learned counsel for the informant fairly submit that the two prosecution witnesses have already been examined.



Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with S. Trial No.341 of 2022 arising out of Chautham P.S. Case No. 149 of 2022, G.R.No.1523 of 2022 pending in the court of learned Additional Sessions Judge-III, Khagaria.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

Nitesh/-

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