

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25231 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- KOTWALI District- Munger

1. Banty Kumar @ Banti Kumar @ Satyendra Kumar @ Banti Saw Son of Lae Rajendra Sah Resident of Village- Nayagaon Jadbahra, P.S.- Kotwali (Basudeopur), Distt.- Munger
2. Chhotu Kumar @ Salandra Kumar @ Shailendra Son of Late Rajendra Sah Resident of Village- Nayagaon Jadbahra, P.S.- Kotwali (Basudeopur), Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Advocate Mr. Narsingh Tanti, Advocate
For the State	:	Mr. Lalan Kumar, Advocate
For the Informant	:	Mr. Kumar Kamal Nayan, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioners and learned APP
for the State and perused the case diary.

2. The petitioners seek bail in connection with S. Tr.
No. 43 of 2024 arising out of Kotwali (Basudeopur) P.S. Case
No. 432 of 2023 instituted for the offence under Sections 341,
323, 326, 307, 504 & 34 of the Indian Penal Code and Sections
25(1-B)a, 26(i)(ii), 27 & 35 of the Arms Act.

3. Prosecution case as emanated from the FIR is that
petitioners have assaulted the mother and father of the
informant. It is alleged that petitioner No. 1 has assaulted the



mother of the informant by means of '*Kulhari*' and he has also fired upon the father of the informant while the allegation against petitioner No. 2 is that he has fired in the mouth of the father of the informant.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 10-09-2023. Petitioners have no criminal antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. It is submitted that there is no eye witness to the occurrence. It is also submitted that occurrence has taken place at the house of the petitioners and father of the informant has also attacked the petitioners. It is submitted that nothing incriminating has been recovered from the possession of the petitioners and charge has also been framed in this case.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 30 of the case diary, it is submitted that on the basis of confessional statement of petitioner No. 1, recovery of arms is made. It is submitted by referring to the injury report that injury of father of the informant is grievous in nature and injury of mother of the



informant is simple in nature.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation levelled against the petitioners, this Court is not inclined to grant bail to the petitioners.

8. Accordingly, the prayer for grant of bail to the petitioners is hereby rejected.

9. The Trial Court is directed to expedite the trial as expeditiously as possible, preferably within a period of six months from the date of receipt/production of a copy of this order.

10. However, petitioner will be at liberty to renew his prayer for grant of bail before the court below, if the trial is not concluded within the aforesaid period i.e., six months and the court below shall consider the same without being prejudiced to this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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