

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29494 of 2020**

Arising Out of PS. Case No.-224 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

Vinod Rai @ Vinod Kumar Ray @ Binod Ray, Son of Mohan Ray, Resident
of Village- Khabasi, P.S.- Baniyapur, District- Saran, Chhapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parmatma Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 02-12-2020 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Chhapra Muffasil P.S. Case No. 224 of
2019 registered for the offences under Section 302 of the Indian
Penal Code.

Earlier the prayer for regular bail of the petitioner was
rejected by this Court in Cr. Misc. No. 70164 of 2019 after
noticing the material and the accusation against the petitioner.
This petitioner is said to have given repeated knife blow causing
death of the brother of the informant. The informant is an eye
witness to the alleged occurrence and the allegations are
specific.



This Court had earlier called for a report from the learned trial court as to the present stage of the trial. Report has been received vide letter no. 173 dated 12.11.2020 which is placed at Flag 'R'. It says that the trial is likely to be concluded within one year as it is presently pending for framing of charge and it could not proceed much because of the Pandemic COVID-19.

Learned counsel for the petitioner has submitted that the petitioner has remained in jail in connection with this case since 21.08.2019 and finding that the trial is not likely to be concluded in near future, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that there is a specific allegation of commission of overt act against this petitioner. As many as seven stab wounds have been found on the body of the deceased and in the nature of the seriousness of the allegations and the material in form of eye witness to the alleged occurrence, the petitioner does not deserve privilege of bail only because the trial is likely to be concluded in one year as per the report of the learned trial court.

Having regard to the facts and circumstances of the case, considering the seriousness of the offence alleged against



the petitioner, he being the sole assailant and there being a specific allegation against him of giving knife blow which is also substantiated from the post-mortem report, this Court is of the considered opinion that the period of custody being little more than one year of the petitioner alone cannot be a ground to grant him bail. Prayer is refused.

Let the trial be expedited.

The learned trial court is directed to proceed with the framing of charge and conduct the trial and take all possible steps to conclude the case as early as possible.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

