

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32345 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- JALALPUR District- Saran

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Birendra Rai @ Virendra Rai, Male, aged about 35 years, S/o Late Shumer Rai @ Sumer Rai, R/o village Ashok Nagar Naraugi Tola, P.S. Jalalpur, District Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-01-2021 Heard Mr. Anant Kumar Bhaskar, the learned counsel
for the petitioner and the learned Additional P.P.

The petitioner seeks bail in Jalalpur P.S. Case No.152 of 2019, corresponding to Sessions Trial No.167 of 2020 for the offences allegedly committed by the petitioner under Sections 302 and 34 of the Indian Penal Code.

The widow of the deceased alleged that on 12.09.2019, Birendra Rai, the petitioner, his wife, Anita Devi, Kalawati Devi, Manoj Rai and Shiv Kumari Devi came to her Darwaza and began to abuse her husband, Ajay Rai. They also assaulted him but her husband in order to save his life went inside the house but Birendra Rai chased him inside the house and inflicted knife blow. Consequently Ajay Rai died.

Learned counsel for the petitioner submits that the



occurrence took place on 12.09.2019 but the Fardbeyan was recorded on 13.09.2019. The police forwarded the FIR in the court on 17.09.2017 and this fact shows the interpolation and ante-dating the FIR. It is further submitted that of course there is allegation against the petitioner that it was he who inflicted knife blow on the husband of the informant but the petitioner is in jail since 18.09.2019 and trial has not yet progressed. Not a single prosecution witness has been examined.

There is specific allegation against the petitioner that it was he who inflicted knife blows on different parts of the body of the deceased, Ajay Rai. Multiple wounds of different size were found over the chest wall, abdomen, left forearm and right leg and Ajay Rai died of the injuries inflicted.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within ten months from the date of receipt of this order.

The Superintendent of Police, Saran is directed to ensure the attendance of the prosecution witnesses in the trial court on each and every date so that the trial must be concluded within ten months.



If the Superintendent of Police, Saran fails to produce any witness on any date, the trial court must inform this Court about the non-action of the Superintendent of Police in producing the witness.

If the trial is not concluded within ten months without the fault of the petitioner, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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