

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34505 of 2020

Arising Out of PS. Case No.-25 Year-2020 Thana- BASANTPUR District- Siwan

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1. Jitendra Rai, aged about 30 years, male, son of Pundeo Rai
 2. Janak Rai, aged about 46 years, male, son of late Indrashan Rai
- Both are resident of Village- Ujjaina, P.S.- Basantpur (O.P.- Lakari Nabiganj), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
For the Informant : Mr. Manoj Kumar, Adv.
For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 19-03-2021 Heard the counsel for the parties.

The petitioners seek bail in connection with
Basantpur (O.P.-Lakari Nabiganj) P.S. Case No. 25 of
2020, dated 24.01.2020, instituted for the offences
under Sections 363, 365, 302 and 201 of the Indian
Penal Code.

The son of the informant is said to have been



killed by strangulation and his dead-body was thrown in a well. Initially, the F.I.R. was registered only for the offences under Sections 363 and 365 of the I.P.C. However, with the recovery of the dead-body of the deceased, Section 302 of the I.P.C. has been added.

It has been submitted on behalf of the petitioners that though they have been named in the F.I.R., but the basis for prosecuting them is only suspicion because of a dispute which had erupted between them and the informant in the past with respect to a passage of land. During the course of investigation, it has been urged, no tangible evidence could be collected against the petitioners except for enmity between the parties.

The petitioners are stated to be in custody since 28.01.2020.

The learned counsel for the informant, on the other hand, has submitted that the trial in this case has progressed to a great extent and now only some of the witnesses are left to be examined.



By order dated 12.02.2021, this Court had called for a report about the stage of the case from the Court below.

The report dated 05.03.2021 indicates that six witnesses including the Doctor have been examined by the prosecution and the next date in the case was fixed for 16.03.2021.

Considering the present stage of the trial, which is almost at its fag end, this Court is not inclined to exercise its discretion for grant of bail to the petitioners during the pendency of the trial.

The prayer for grant of bail of the petitioners is, accordingly, rejected.

However, the Trial Court is directed to conclude the trial positively within a period of four months from the date of receipt/production of a copy of this order.

If there is no substantial progress in the trial and which delay would not be attributable to the petitioners, they would be at liberty to approach the Trial Court for grant of bail and in that event, the Trial Court



would be required to state reasons for non-conclusion of
the trial within the aforesaid period.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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