

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10481 of 2022

Arising Out of PS. Case No.-724 Year-2021 Thana- BIHTA District- Patna

Ashok Rai @ Ashok Roy Son Of Late Jangi Rai Permanent R/O Village-
Semra, Post- Bandhu Chhapada, P.S.- Badhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihta
P.S. Case No. 724 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code

The accused/petitioner is named in the F.I.R. and is in
custody since 28.09.2021.

The allegation against the petitioner is to commit
murder of brother of the informant, as petitioner was under
suspicion that deceased developed illicit relations with his wife
during his absence, while he was in Kolkata.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner and deceased were good friends and almost on every occasions whenever petitioner came from Kolkata, deceased received petitioner at railway station for his home with motorcycle. It is submitted that the occurrence caused by unidentified miscreants and during the course of occurrence petitioner also received injuries over his leg and thigh. It is further submitted that informant is not the eye witness of the occurrence and implication is on the basis of suspicion of illicit relation of deceased with wife of the petitioner. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that admittedly, petitioner was with the deceased at the time of occurrence, where petitioner received six incised wound. It is submitted that story of committing murder by unknown miscreants is without any basis, where the circumstances of this case loudly speak that none but this petitioner committed murder of the deceased.

In view of the facts as mentioned above, and by taking note of incriminating circumstances, where admittedly,



petitioner was present with the deceased at the time of occurrence, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

The Senior Superintendent of Police, Patna, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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