

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26941 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAJ KISHORE RAY S/o Late Deoraji Ray R/o village- Dharmuha, P.S.-
Muffasil Motihari, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advovcate
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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 Muffasil

P.S. Case No. 141 of 2020 registered for the offence under

Section 302 of the Indian Penal Code.

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

custody since 28.03.2020.

The allegation against the petitioner is to commit

murder of wife, by causing head injury, while making an assault

with hammer.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye witness of the occurrence and implication is purely ill-motivated due to family disputes. It is submitted that present case was not lodged by the parents of the deceased rather by son of sister of the deceased, who is resident of different village. It is further submitted that head injury was received by the deceased due to accident. It is also submitted that petitioner is in custody since 28.03.2020 i.e. about more than two and a half (2 ½) years, where only four (4) witnesses were examined and, as such, the trial is not likely to conclude in near future, where none of the examined witnesses supported the occurrence. It is also submitted that marriage of petitioner was solemnized with deceased/wife before 15 years.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the present case is not lodged by parents of the deceased, where informant is not the eye witness of the occurrence coupled with the fact that trial is not likely to conclude in near future, where petitioner is in custody since 28.03.2020, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 141 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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