

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.37419 of 2021**

Arising Out of PS. Case No.-84 Year-2020 Thana- MUSRIGHRARI District- Samastipur

Pawan Rai @ Pawan Ray @ Miya S/O Late Ram Chandra Ray @ Ram Chandra Rai R/O Village- Banghara Tola Rupauli, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate  
For the Opposite Party/s : Mr. Abhay Kumar, APP

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

3      18-01-2022                      Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Abhay Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Musarigharari P.S. Case No. 84 of 2020 registered for the offences punishable under Sections 302, 307, 341, 326, 120(B) of the Indian Penal Code and Section 27 of the Arms Act. He is said to be in custody in connection with this case since 05.10.2020. He has got 6 criminal antecedents.

Learned counsel for the petitioner submits that in this case the deceased has sustained 5 entry wounds caused by firearm. As per allegations about 6 persons including this



petitioner had indulged in indiscriminate firing upon the deceased. It is his submission that though the father of the deceased and some other persons claimed to be an eye-witness but the fact remains that in course of trial out of 4 witnesses who have been examined on behalf of the prosecution, 3 have been declared hostile.

Learned APP for the State submits that the fact that the trial has already begun in this case was not brought to the notice of the Court earlier. As per the direction of this Court, he had called for the case diary which is with him but because the trial has already begun, the materials collected by the learned trial court in course of trial would perhaps be the relevant materials to look into.

Having regard to the submissions noted hereinabove, there being an allegation that this petitioner was also involved in firing and from the spot, 4 fired cartridges and one missed cartridge have been recovered apart from cartridges which were recovered from the body of the deceased as mentioned in the post-mortem report and further that the petitioner has got 6 criminal antecedents as also that the trial has already begun and the 4 witnesses have already been examined, in the midst of the trial at this stage, this Court is not inclined to direct release of



the petitioner on bail.

The prayer for regular bail of the petitioner is, thus,  
refused.

Let the trial be expedited. The learned trial court shall  
proceed with the trial without granting unnecessary  
adjournments and all endeavours be made to conclude the trial  
as early as possible.

The application stands dismissed.

**(Rajeev Ranjan Prasad, J)**

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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'.

