

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 29347 of 2022**

Arising Out of PS. Case No.-259 Year-2018 Thana- DARBHANGA District- Darbhanga

BIPIN RAY S/o Surendra Rai Resident of Mohalla/Vill - Mishra Tola, Nag  
Mandir, P.S.- Town, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : M/s Chitranjan Sinha, Sr. Advocate  
Kedar Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY  
ORAL ORDER**

4      10-08-2022                      Heard learned senior counsel for the petitioner and  
learned APP for the State.

The petitioner has renewed his prayer for grant of  
regular bail in a case registered under sections 302 and 34 of  
the Indian Penal Code and section 27 of the Arms Act.

The allegation against the petitioner is of having shot  
the son of the informant in his head as a result of which he died  
in course of treatment.

It is submitted by learned senior counsel appearing for  
the petitioner that inspite of the petitioner having remained in  
custody since 4.1.2019, the trial has not still concluded and  
there is no chance of the same concluding in the near future for  
the reason that at least three witnesses still remain to be  
examined and as per instructions received the Court where the



trial is going on is vacant. Referring to the depositions of the prosecution witnesses, it is submitted that a number of witnesses have been declared hostile and from the deposition of the informant it would transpire that he is not an eye witness to the occurrence. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State.

A report was called for from the learned trial court. As per the report received contained in letter dated 12.7.2022, out of 13 chargesheeted witnesses, 9 witnesses have been examined and cross-examination of PW 10 is going on, however, at the moment the Court is vacant.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner which is supported by the informant PW 9 in course of trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

**(Partha Sarthy, J)**

Spd/-

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