

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43011 of 2021**

Arising Out of PS. Case No.-77 Year-2021 Thana- BHAGWANPUR District- Begusarai

MITHILESH ROY @ MITHLESH ROY S/o Jhuna Roy Resident of Village-  
Churamanchak, P.S.- Bhagwanpur (Teyai), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 46872 of 2021**

Arising Out of PS. Case No.-77 Year-2021 Thana- BHAGWANPUR District- Begusarai

RAJESH RAY S/o SATTO RAI R/o VILLAGE-CHURAMANCHAK, P.S-  
BHAGWANPUR, DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 43011 of 2021)

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP.

For the Informant : Mr. Satish Chandra, Advocate.

(In CRIMINAL MISCELLANEOUS No. 46872 of 2021)

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate.

For the Opposite Party/s : Mr.DR.MRITYUNJAYA KR.GAUTAM, APP.

For the Informant : Mr. Satish Chandra, Advocate.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

7      09-05-2022                      Heard the parties.

Heard learned counsel appearing on behalf of the  
petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two  
weeks of the complete start of the physical Court in normal  
course.



The petitioners seek regular bail in connection with Bhagwanpur (Teyai O.P.) P.S. Case No. 77 of 2021 for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

Allegation against the petitioners is of committing murder of the husband of the informant. Petitioners are named in the F.I.R.

It is submitted on behalf of the petitioners that from perusal of the F.I.R., the present case is based on circumstantial evidence and the prosecution has not been able to establish the chain and the manner in which the murder took place. Even motive could not be derived as to what led these petitioners to commit murder of the husband of the informant. It is further submitted that the trial has progressed considerably and deposition of some witnesses have been recorded, in which witnesses have not supported the accusation made against these petitioners. It is specific case of the petitioners that without having committed any offence petitioner Mithilesh Roy and Rajesh Ray are languishing in custody since 03.04.2021 and 21.05.2021 respectively. They submit that after conduct of the trial, if they are acquitted for committing no offence, their liberty have been subjected for being implicated in a false case



and no one will compensate them.

Mr. Satish Chandra, learned counsel for the informant submits that substantial progress has taken place in conduct of the trial and today also one witness has been examined. He submits that no delaying tactics should be played by the prosecution and it is expected that the trial may conclude within three months.

This Court vide order dated 04.04.2022 had called for a report regarding stage of the trial and in compliance of the said order, learned Additional Sessions Judge-IX, Begusarai vide his letter No. 109 dated 12.04.2022 has informed that prosecution has examined two witnesses.

Having heard the rival submissions of the parties, information given by the learned Additional Sessions Judge-IX, Begusarai that there is substantial progress in conduct of the trial and taking into consideration the serious nature of allegation made against the petitioners, I am not inclined to enlarge the petitioners on bail at this stage.

Accordingly, these bail applications are rejected.

The trial court is directed to conclude the trial expeditiously well within a period of four months.

If the trial is not concluded within the aforesaid period



without there being any reasonable ground, the petitioners, if so advised, may renew their prayer for bail.

Shri Manoj Kumar Pandey, learned counsel appearing on behalf of the petitioner Rajesh Ray of Cr. Misc. No. 46872 of 2021 submits that marriage of the daughter of the petitioner Rajesh Ray is scheduled to be held on 12.05.2022 and prays that even for a single day, the petitioner Rajesh Ray be released on provisional bail on any condition imposed by this Court to attend the marriage of his daughter.

Considering the aforesaid submission made on behalf of the petitioner Rajesh Ray, this Court directs that the petitioner Rajesh Ray may be taken in police custody to attend marriage ceremony of his daughter on 12.05.2022 and after solemnization of the marriage, he must be produced in jail custody on the very next day on such terms and conditions imposed by the court below.

The concerned Police authority is directed to submit a report before this Court that the petitioner Rajesh Ray has been sent into jail custody after attending marriage of his daughter.

**(Purnendu Singh, J)**

mantreshwar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

