

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.63100 of 2021**

Arising Out of PS. Case No.-1108 Year-2019 Thana- NAGAR District- Vaishali

Meghnath Rai @ Jhapsi Rai @ Jhapsi Son Of Late Jagdish Ray Resident Of
Village - Rajsan, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

3 05-01-2022 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 learned
APP for the State.

This is the second attempt of the petitioner to obtain
regular bail in connection with S. Tr. No. 196 of 2021 arising
out of Hajipur P.S. Case No. 1108 of 2019 registered for the
offences punishable under Sections 302/201/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Earlier the prayer for bail of the petitioner was
rejected after noticing the materials available in the case diary
and the statements of the witness in paragraph '32' of the diary.
This Court gave an observation that the learned trial court shall



proceed with the trial without granting unnecessary adjournments, shorter time shall be fixed and all efforts be made to conclude the trial within a period of 9 months from the said date. If the trial still remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

Learned counsel for the petitioner submits that the trial has not concluded within the given period of 9 months, hence, the petitioner be enlarged on bail.

Mr. Akhileshawar Dayal, learned APP for the State has opposed the prayer for bail of the petitioner.

This Court called for a report from the learned court below. The report as contained in letter no. 97 dated 1st December, 2021 is available on the record. The main reason for delay in speedy conclusion of trial is non-appearance of one of the co-accused namely Manju Devi who is none else but the wife of this petitioner.

Learned counsel for the petitioner has informed this Court that Manju Devi has been granted bail in Cr. Misc. No. 8605 of 2020.

This Court having perused the report of the learned court below is of the considered opinion that the petitioner does not deserve release only because 9 months' period has expired



from the date of observation given by this Court. It is his wife who is on bail and is not putting appearance before the learned court below. There is, thus, a concerted effort to delay the conclusion of trial. The prayer for bail of the petitioner is, thus, refused.

Let the trial court take all coercive action to secure appearance of the wife of the petitioner who after availing the privilege of bail is not putting appearance before the learned court below.

This application is 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'.

