

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16121 of 2023

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

Bipin Ray, S/O Surendra Rai, R/O 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 : Mrs. Archana Sinha, Advocate

Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and
learned A.P.P 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.

As per the prosecution case, the petitioner is said to have shot the son of the informant in his head who on being taken to the hospital died on way.

The earlier prayers for bail of the petitioner were rejected vide orders dated 21.10.2019 passed in Cr. Misc. no.44272 of 2019, dated 3.2.2021 passed in Cr. Misc. no.20593 of 2020, dated 17.11.2021 passed in Cr. Misc.



no.49193 and dated 10.8.2022 passed in Cr. Misc. 29347 of 2022 (Annexure-1 series).

Learned counsel for the petitioner submits that inspite of the petitioner having remained in custody for more than 4 years since 4.1.2019, the trial in the learned trial Court has still not concluded nor there is any chance of the same concluding. Further, the depositions of the witnesses have been brought on record as Annexure-4 series, from perusal of which, it would transpire that except for one witness who happens to be the informant- father of the deceased, no other witness has supported the prosecution case. The petitioner undertakes to abide by the conditions laid down by this Court and to cooperate in the trial.

The application for bail of the petitioner is opposed by learned A.P.P for the State.

A report was called for from the learned trial Court. As per the report received, eleven witnesses including the Investigating Officer have already been examined on behalf of the prosecution and the doctor is to be examined on the next date.

Having heard learned counsel for the parties and taking into consideration, the direct allegations against the



petitioner of having shot the son of the informant with the firearm in his head and the said allegation having been supported by the informant in his deposition in course of the trial, together with the trial having neared its conclusion, 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)

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