

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66463 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- MINAPUR District- Muzaffarpur

SHIVPUJAN RAI S/O SWARATH RAI @ SOGARTH RAI Resident of
village- Balahi Lachhi, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar, Adv
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Minapur
P.S. Case No. 438 of 2021 registered for the offence under Sections
302, 201, 120(B), 376/34 of the Indian Penal Code and Section 4
and 6 of the POCSO Act.

The informant suspects that the petitioner has killed
her daughter by strangulating her neck.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that merely on the basis of suspicion, petitioner has been made



accused in this case, which is evident from the F.I.R. itself. The petitioner is rotting in judicial custody since 21.11.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 20.03.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that six prosecution witnesses and one court witness has already been examined and cross examined and the case was fixed for 06.04.2023 awaiting D.N.A. report.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the report is of dated 27.03.2023 and after that substantial progress is carried out and the trial is closed and the case is fixed for judgment.

In view of the report and the present stage of the trial, this Court is not inclined to enlarge the petitioner at this stage. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the conclusion of trial at the earliest.

(Rajesh Kumar Verma, J)

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