

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85862 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- NAYAGAON District- Begusarai

1. Sumit Rajak Son of Jeevan Rajak @ Ramjivan Rajak Resident of Village - Dariyapur, P.S. - Nayagaon, District - Begusarai
2. Kargil Rajak Son of Jeevan Rajak @ Ramjivan Rajak Resident of Village - Dariyapur, P.S. - Nayagaon, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amar Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Manoj Kumar, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioners and learned APP for the State as also counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Nayagaon P.S. Case No. 37 of 2023 instituted for the offences under Sections 302, 304(B), 201, 120(B)/34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of committing murder of the deceased/daughter of the Informant and, thereafter, concealed her dead body.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioner no.1 is the husband and petitioner no.2 is the Devar of the deceased. He further submits that the petitioners have never demanded any dowry from the deceased nor have ever tortured either physically or mentally. There is no specific and direct allegation of any overt act against the petitioners rather the same is omnibus and general. There is no eye-witness to the alleged occurrence. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioners are languishing in judicial custody since 11.09.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners stating that the witness Dilip Sahni, who claims to be an eye-witness to the occurrence, has made his statement in Para-41 of the case diary in which he has fully supported the case of the prosecution.

6. Looking to the allegation made against the petitioners which is serious in nature as also having perused the case diary, this Court is not inclined to grant bail to the



petitioners at this stage.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of twelve months from today.

8. If the trial is not concluded within the aforesaid period of twelve months, the petitioners will be at liberty to renew their prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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