

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12609 of 2025

Arising Out of PS. Case No.-9 Year-2022 Thana- SITAMARHI District- Sitamarhi

Mahesh Ray Son of Jalim Ray Resident of Village- Mohanour, P.S.-
Sitamarhi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Avinash Chandra, Advocate
		Mr. Sarvottam Anand, Advocate
For the Opposite Party/s :		Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-05-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sitamarhi P.S Case no.9 of 2022 registered under sections 302, 307, 341, 323, 324, 379 and 34 of the Indian Penal Code.

3. As per the prosecution case, as a result of the petitioner having assaulted the brother of the informant with a knife, it is stated that he sustained grievous injuries, fell down and died.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 2.4.2024 passed in Cr. Misc. no.20191 of 2024. It is submitted that no occurrence as alleged in the FIR has taken place and the petitioner has been falsely implicated in the case because



of previous enmity. While the occurrence is said to have taken place on 4.1.2022 at about 2 p.m., inpsite of the police station being only at the distance of about 4 kms, information was given at the police station only on 5.1.2022 at 11:30 a.m without any explanation for the delay. The informant is not an eye witness to the occurrence and the other co-accused who were said to have participated in the occurrence have been granted anticipatory bail. The petitioner is in custody since 19.12.2023 and undertakes to cooperate in the trial.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received, charge was framed in the learned trial Court on 29.7.2024, however no witness has been examined on behalf of the prosecution. Bailable warrants have been issued against the non-official witnesses on 4.4.2025.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R wherein he is said to be the assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Taking into consideration the period of custody together with no witness turning up in the learned trial Court



inspite of issuance of summons on 12.8.2024 followed by issuance ofailable warrants on 4.4.2025, liberty is granted to the petitioner to renew his prayer for bail after six months if there is no substantial progress in the trial.

(Partha Sarthy, J)

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