

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24122 of 2025

Arising Out of PS. Case No.-200 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Birendra Ram @ Birendra Musahar Son of Parshuram Musahar R/o Village -
Badki Haradiya, Musahar Toli, P.S.- Jagdishpur, District - Bhojpur (Bihar)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-10-2025 Heard the parties.

2. The petitioner seeks bail in connection with Jagdishpur P.S. Case No. 200 of 2022 (Sessions Trial No. 292 of 2023) registered for the offences under Section 302 of the Indian Penal Code.

3. The petitioner is named in the F.I.R. and is in custody since 04.05.2022.

4. As per FIR, wife of petitioner was found dead inside her matrimonial home and she was found brutally assaulted. One blood stained spade was found near to her dead body. Dead body was found on cot, covered by blanket.

5. Aforesaid FIR was lodged by lady chowkidar xiii/2, Jagdishpur - Police Station.

6. Learned counsel appearing on behalf of the petitioner



submitted that petitioner is the husband and as per allegation his wife was in illicit relation with someone and out of said suspicion present murder was said to be committed. It is pointed out by learned counsel that the case is based upon circumstantial evidence as there is no eye-witness of the occurrence. During investigation it transpires that petitioner was not available at his home about time of occurrence rather he was attending *tilak* ceremony in the village. Leaving argument for any further, available merits learned counsel heavily pressed the custody period of petitioner as he remains in custody for about three and half years. It is also pointed out that till now only two prosecution witnesses examined in this case and, therefore, petitioner cannot be kept behind bars for indefinite period of time in want of trial. There is no delay on the part of accused/petitioner. It is submitted that such unreasonable delay on behalf of prosecution for trial is only amounting to violation of fundamental right of the petitioner under Article 21 of the Constitution of India, *qua* speedy trial. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Hussainara Khatoun & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98]**.

7. Learned APP appearing on behalf of the State, while



opposing the prayer for bail submitted that there is strong circumstance against petitioner as several witnesses during the course of investigation seen him sitting beside the dead body with blood stained hand.

8. A report was also called for from the learned Trial Court regarding progress of trial, which was made available to this Court through Letter No. 51 of 2025 dated 08.05.2025 stating that not even single prosecution witness was examined in this case, where conclusion of trial was said to be concluded in 6 months. Subsequently after passing about 6 months, report was again called for from the learned Trial court, whereafter another report was made available through Letter No. 80 of 2025 dated 25.09.2025, which speaks that till now only two witnesses have been examined i.e., informant and I.O. Certainly accused is not on fault for this delay, slow progress primarily suggest that trial is not likely to conclude in the near future.

9. In view of aforesaid factual submission and by taking note of fact as petitioner remains in custody for about **three and half years**, where during the said period only two prosecution witnesses appears examined in this matter suggesting sufficiently that trial of this case is not likely to conclude in the near future, which appears in violation of fundamental right of petitioner *qua*



speedy trial, accordingly above named petitioner, is directed to be released on bail in connection with Jagdishpur P.S. Case No. 200 of 2022 (Sessions Trial No. 292 of 2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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