

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64557 of 2025

Arising Out of PS. Case No.-630 Year-2023 Thana- MANER District- Patna

Awadhesh Ray @ Awadhesh Kumar S/O Upendra Ray @ Gorakh Ray R/O
Vill-Balua, Ps-Maner, Dist-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-09-2025 Heard the learned counsel for the petitioner, learned
APP for the State and the learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Maner P.S. Case No. 630 of 2023 registered for the offence
under Sections 302/34/120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the prosecution story, the informant alleged
that when his brother was sitting in his medical shop, due to
previous land dispute, the petitioner along with co-accused
Chandra Bhushan Singh under a conspiracy sent Chunnu Rai
and Bishundhari Rai @ Sipahi Jee along with 4 -5 unknown
persons, pretending as buyers of medicines, entered the shop,
and it is alleged that while unknown persons asked for a



medicine, Chuunu Rai and Bishundhari Rai @ Sipahi Jee resorted to indiscriminate firing causing serious injury to the informant's brother. They later, retreated. He was rushed to the Paras Hospital where the Doctor declared him dead. The reason has been assigned that the informant was having land dispute with petitioner's family for which scuffle took place earlier and petitioner and co-accused Chandra Bhushan Singh had warned him of dire consequences. Accordingly, the present FIR has been lodged.

4. The learned Senior Counsel for the petitioner has submitted that in the trial out of 10 witnesses, one witness has been examined. The petitioner is custody since 07.04.2025. It is further submitted that the petitioner is not named in the FIR rather his name has transpired in the present case on the basis of the confessional statement of the co-accused Ashish Kumar @ Matu Kumar, save and except there is no material against the petitioner.

5. The learned Senior Counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in the case of *Tapas Kumar Palit V/s State of Chhattisgarh, 2025 SCC OnLine SC 322*.

6. Learned A.P.P. for the State as well as the learned



counsel for the informant have vehemently opposed the prayer for bail.

7. I have heard and considered the submissions of the parties and have also gone through the records of the case.

8. As the trial is being delayed, this Court has considered the prayer of the petitioner for regular bail on merits as well as on delay.

9. From the order dated 02.04.2024 passed in Cr. Misc. No. 19687 of 2024, it appears that the deceased was the land broker-cum-land mafia and deceased along with his associates forcibly took photograph and thumb impression of Navratan Devi (Mother of co-accused Jitendra Singh and Shashi Bhushan Singh) on plain paper and got registered five sale deeds without giving any consideration money, for which, a Title Suit No. 341 of 2021 was filed by the co-accuse Jitendra Singh and Shashi Bhushan Singh in the Court of Sub-Judge-V, Danapur. One FIR *vide* Bihta P.S. Case No. 723 of 2021 was registered under Sections 419, 420, 467, 468/34 of the Indian Penal Code against one Jyoti Devi, *with whose connivance, aforesaid deeds were executed*, and others for this fraudulent act. Thereafter, this occurrence has taken place and the deceased was killed.



10. The Hon'ble Supreme Court in the case of ***Tapas Kumar Palit (Supra)*** in paragraph nos. 10, 14, 15 and 16 has held thus:

10. *However, many times we have made ourselves very clear that howsoever serious a crime may be the accused has a fundamental right of speedy trial as enshrined in Article 21 of the Constitution.*

14. *In this regard, the role of the Special Judge (NIA) would also assume importance. The Special Judge should inquire with the Special Public Prosecutor why he intends to examine a particular witness if such witness is going to depose the very same thing that any other witness might have deposed earlier. We may sound as if laying some guidelines, but time has come to consider this issue of delay and bail in its true and proper perspective. If an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed. The stress of long trials on accused persons-who remain innocent until proven guilty-can also be significant. Accused persons are not financially compensated for what might be a lengthy period of pre-trial incarceration. They may also have lost a job or accommodation, experienced damage to personal relationships while incarcerated, and spent a considerable amount of*



money on legal fees. If an accused person is found not guilty, they have likely endured many months of being stigmatized and perhaps even ostracized in their community and will have to rebuild their lives with their own resources.

15. We would say that delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.

16. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court is set aside. The appellant is ordered to be released on bail forthwith subject to terms and conditions as may be imposed by the trial court."

(Emphasis Supplied)

11. From the discussions made, it is clear that the petitioner being in custody is entitled to speedy trial and he cannot be kept in custody for an indefinite period.

12. In these circumstances, the application stands allowed.

13. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Danapur, Patna/concerned Court below in connection with Maner P.S. Case No. 630 of 2023, subject to the following conditions:-

- (i). The petitioner will mark his attendance at the Maner Police Station on every Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bond of the petitioner;*
- (ii) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bond of the petitioner;*
- (iii) Both the bailors should be the family members/relatives of the petitioner who shall provide official document to show his/her bona fide;*
- (iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for*



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Sandeep Kumar, J)

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