

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37982 of 2015

Arising Out of PS.Case No. -23 Year- 2000 Thana -DEOKUND District- AURANGABAD

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1. Avinash Sharma @ Avinash Kumar Son of Late Nawal Sharma @ Nawal Kishore Sharma resident of village - Senari, P.S. Karpi, District - Arwal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 27-01-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner wants to renew his prayer for bail which was earlier thrice rejected by this Court and once by the Apex Court on the ground that the petitioner is in custody since 04.05.2007 and up till now the case of the petitioner has not been committed and as such in near future the trial is not likely to be concluded. It is also submitted that in this case in the FIR one Avinash Sharma is named but in the same village there are two Avinash Sharma and one Avinash Sharma has faced trial and has been convicted and his conviction has been upheld by this Court also, the name of the petitioner with parentage came during investigation in the third statement of the informant and similarly

situated other co-accused have been allowed bail and some of them have already been acquitted and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that prayer for bail of the petitioner has also been rejected by the Apex Court vide Special Leave to Appeal (Crl.) No. 228992 of 2010.

In the facts and circumstances as stated above, again prayer for bail of the petitioner is hereby rejected in connection with Trial No. 1155 of 2014 arising out of Devkund (Uphara) P.S. Case No. 23 of 2000 pending in the court of Sri Kamlesh Chandra Mishra, J.M. 1st Class, Daud Nagar, Aurangabad.

The learned court below is directed to take positive steps so that the case of the petitioner be committed at once and thereafter the trial be expedited.

(Jitendra Mohan Sharma, J)

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