

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50145 of 2015

Arising Out of PS.Case No. -448 Year- 2013 Thana -ARA NAWADA District- BHOJPUR

1. Santosh Sharma Son of Late Satya Narayan Sharma Resident of Village -
Rup Chakiya, P.S. - Chandi, District - Bhojpur at Ara (Bihar).. Petitioner

Versus

1. The State of Bihar. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 05-01-2016 Heard learned counsel for the petitioner and learned counsel
representing the State.

The petitioner seeks bail in connection with Ara Nawada
P.S. Case No. 448 of 2013 registered for the offences punishable under
Sections 406, 420, 120B/34 of the Indian Penal Code and further
Sections 302, 364 and 201B/34 of the Indian Penal Code were added.

The petitioner is not named in the FIR but during
investigation it has come that co-accused Sonu Kumar @ Prakash
Kumar and the petitioner contacted the driver Gautam Kumar of
Scorpio vehicle bearing registration no. BR03P-8025 and took away
with a plea to go to Rajrappa and thereafter, the driver was found killed
and the vehicle was made traceless.

Submission is of false implication and that in the FIR
the petitioner is not named and during investigation witnesses Krishna
Kumar, Kanahiya Sah and others have named the petitioner also due to
enmity and further co-accused Chandan has confessed his guilt and he

has been allowed bail by this Court and as such the petitioner also deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner is the main culprit, he has got criminal antecedent also and besides the statement of witnesses the petitioner has also confessed his guilt vide paragraph 99 of the case diary and the prayer of bail of co-accused Sonu Kumar has already been rejected and as such the petitioner does not deserve bail.

In the facts and circumstances stated above, considering that it was Sonu Kumar and the petitioner who convinced the driver Gautam Kumar to go to Rajrappa and thereafter he was killed in the way and as such finding the case of the petitioner on different footing to that of Chandan Kumar, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably within six months, failing which the petitioner may be at liberty to renew his prayer of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--