

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5893 of 2019

Arising Out of PS. Case No.-229 Year-2017 Thana- AIRPORT District- Patna

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LALI SHARMA @ LALLI SHARMA Late Jai Prakash Sharma Resident of
village-Daldali Raod, Golapar, P.S.-Danapur District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-04-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in a case instituted for the
offences under Sections 398 and 302 of the Indian Penal Code.

The prosecution case in short is that while returning to
his house, the informant was intercepted by the accused persons
an on protest made by the father of the informant, the accused
persons fired at the father of the informant due to which he
sustained injuries and later died.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 10.1.2018. There is no
allegation of tampering of witnesses alleged against the
petitioner. Charge-sheet has been submitted in the present case.
The petitioner has falsely been implicated in the present case.



The petitioner was apprehended in connection with Hawaii Adda P.S. Case No. 241/2017. Subsequently, on the basis of his self-confession and the confession of co-accused namely Pintu Kumar, he has been remanded in the present case. Except for this, there is no other substantive evidence to suggest his implication in the present case. No T.I.P. has been conducted to ascertain his involvement in the present case.

On behalf of the State and the counsel for the informant, it is submitted that there is a self confession of the petitioner which has been recorded in paragraph 97 of the case diary which corroborates the confession of co-accused namely Pintu Kumar whose statement is recorded in paragraph 95 of the case diary. The confession of Pintu has led to the recovery of the motorcycle which was used in course of the occurrence. Further, from perusal of paragraphs 171 and 207 of the case diary, it is evident that the petitioners had been identified in the CCTV footage while they were committing offence. The bail of the other co-accused namely Banty Kumar @ Sanjeet Kumar has already been rejected vide Cr. Misc. No. 24174 of 2018.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a



period of one year preferably on day to day basis from the date of receipt/production of a copy of this order.

The District Magistrate, Patna and the Senior Superintendent of Police, Patna are also directed to take necessary steps to produce the remaining witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

Let this order be communicated to the District Magistrate, Patna and the Senior Superintendent of Police, Patna.

(Sudhir Singh, J)

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