

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17525 of 2021

Arising Out of PS. Case No.-150 Year-2000 Thana- SAHARSA SADAR District- Saharsa

SHIVENDRA SAH @ SHIVENDRA KUMAR S/O LAKSHAMI SAH @
LAKSHAMI GUPTA R/o village- Sattar, P.S.- Bihara, District- Saharsa
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-10-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that on hearing the cry of help from his son, on opening the window, he saw a number of accused persons firing and hurling bomb. On going out, he found his son to be in an injured condition and unconscious. On being taken to the hospital, he was declared dead.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation when his name transpired in the confessional statement of co-accused Jannat Hussain, Satish Yadav and others. It is submitted



that no incriminating material has transpired in course of investigation to connect the petitioner with the alleged crime. The petitioner is in custody since 20.12.2019 and a number of other co-accused have been acquitted in the trial arising out of the instant F.I.R.

The prayer for bail is opposed by learned A.P.P. for the State who submits that in a case of the year 2000, the petitioner continued to abscond for 19 years till he was arrested on 20.12.2019.

Having heard learned counsel for the parties and taking into consideration the report of the learned trial court from which it transpires that the trial with respect to the petitioner has commenced together with the petitioner having absconded in the case for about 19 years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial and conclude the same within a period of six months from the date of receipt of a copy of this order.

(Partha Sarthy, J)

Saurabh/-

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

