

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21051 of 2021**

Arising Out of PS. Case No.-266 Year-2019 Thana- RAJGIR District- Nalanda

MD. SARUKH @ MD SHAHRUKH Son of Md. Mansoor @ Mansoor Alam
Resident of Village - Mohiuddinpur @ Mahadipur, P.S. - Dandari, District -
Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma,Sr.Advocate Mr.Md. Murad Ashraf, Advocate.
For the Opposite Party/s :		Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 17-05-2021 Heard learned Senior Counsel for the petitioner and
Mr. Akhileshwar Dayal, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Rajgir P.S. Case No. 266 of 2019 for the offences punishable under sections 302, 201 and 120B of the Indian Penal Code.

Earlier the prayer for bail of this petitioner was rejected by this Court on 4.12.2019 in Cr. Misc. No. 68313 of 2019 after noticing certain materials which were on the records. The petitioner had thereafter moved before the Hon'ble Supreme Court in Special Leave Petition No. 10732 of 2020 which was dismissed on 15.6.2020.

Learned Senior Counsel for the petitioner submits that



the petitioner is in custody in connection with this case for almost two years and presently the records had been committed only through video conferencing two days back. According to him, the trial is not likely to be concluded very soon, this court may enlarge the petitioner on bail.

On the other hand, learned APP for the State has opposed the prayer for bail of this petitioner. It is submitted that considering the materials which have been noticed, the petitioner does not deserve privilege of bail at this stage. Learned APP however submits that after the pandemic situation goes down and the courts start functioning, the trial court may consider the matter on priority basis.

Having regard to the facts and circumstances of the case, on noticing the seriousness of the offence and the materials which have been discussed by this Court in its order dated 4.12.2019, this court is not inclined to enlarge the petitioner on bail at this stage.

Presently the courts are closed because of the pandemic situation. Once the courts start functioning normally, it is expected that the trial court shall proceed with the trial of this case on day-to-day basis and shall not grant any adjournment to any of the parties. The parties shall cooperate in



conclusion of trial at the earliest. If the trial remains
unconcluded for a period of one year for no reason attributable
to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

