

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38840 of 2020**

Arising Out of PS. Case No.-220 Year-2019 Thana- SOHSARAI District- Nalanda

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MUKESH KUMAR, Son of Sahdeo Sao, Resident of Mohalla- Bari Pahari
(Mansoornagar), P.S. Sohsarai, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Udbhav, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, A.P.P.
For the Informant	:	Mr. Prakash Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 15-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Ashok Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sohsarai P.S. Case No. 220 of 2019 registered for the offence punishable under Section 302, 201 & 34 of the Indian Penal Code.

The prosecution story, in brief, is that on 22.08.2019 at about 07.30 P.M. the brother of the informant (deceased) went



away with a boy. When his brother did not return till late night he made call on his mobile but his mobile was switched off. On the next day at about 06.30 A.M. the informant came to know that one dead body has been found in front of Sales Tax office and when the informant and his family went there they found the dead body of his brother.

Learned counsel for the petitioner submits that in this case save and except the confessional statement of the accused and co-accused there is no other material to connect the petitioner with the murder of the brother of the informant.

Learned counsel further submits that for the first time in course of trial the mother of the deceased has taken name of this petitioner, however, the co-accused similarly situated have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 386 of 2020 vide order dated 28.05.2020.

On the other hand, Mr. Ashok Kumar Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. According to him at the instance of this petitioner the iron grill has been seized by the I.O. It is further pointed out that the trial has already begun in this case, two prosecution witnesses have been examined so far and now four witnesses have remained to be examined. Under these circumstances, the



trial may be concluded within a reasonable period so the petitioner need not be enlarged on bail.

Considering the facts and circumstances of the case, the seriousness of the allegations and the materials as stated by learned A.P.P. for the State and further that the trial has already begun, this Court is not inclined to release the petitioner on bail.

Let the trial be expedited and the remaining witnesses on behalf of the prosecution be examined as early as possible preferably within a period of four months from the date of start of normal functioning of the court and all endeavours be made to conclude the trial within six months. If the trial remains unconcluded 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'.

