

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40349 of 2020

Arising Out of PS. Case No.-160 Year-2015 Thana- EKMA District- Saran

RAVINDRA SHARMA @ BUCHAN SHARMA SON OF LATE
JAGARNATH SHARMA Resident Of Village - Rith ,P. S. - Ekma , District -
Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-04-2021 Heard Mr. Chandra Mohan Jha, learned counsel for
the petitioner and Ms. Nirmala Kumari, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Sessions Trial No. 476 of 2016 arising out of Ekma P.S. Case
No. 160 of 2015 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code 1860 and Section 27
of the Arms Act.

The prosecution story as per the First Information
Report is that two persons riding on the Motorcycle surrounded
the deceased and one Veer Vikram Vikash Singh @ Bittu fired
upon son of the informant, due to which, he died.



Learned counsel for the petitioner submits that this is second attempt for grant of bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by a co-ordinate Bench of this Court in Cr. Misc. 68457 of 2019 on 20.01.2020 with an observation that the trial should be concluded within a period of nine months. Learned counsel further submits that though the petitioner is not named in the First Information Report he has been dragged in this case on the basis of confessional statement of co-accused during course of investigation. Learned counsel next submits that the petitioner is in custody since 22.3.2016 i.e. for almost about more than five years and the trial is not likely to be completed in near future due to pandemic.

Learned counsel referring to the supplementary affidavit submits that during course of trial, the informant has not supported the prosecution story. Learned counsel further submits that PW-1 who is an independent witness has not supported the prosecution story and has also been declared hostile and further the brother and mother of the deceased have also not supported the prosecution story.

Earlier this Court vide order dated 13.04.2021 had called for a report from the trial court regarding stage of trial



and in pursuance thereof, the report of learned I/C. 4th Additional Sessions Judge, Saran, has been furnished vide letter No. 43 dated 6.4.2021 and from perusal of the same, it appears that out of six charge sheet witnesses, four have been examined, cross-examined and two charge sheet witnesses including the official witness are yet to be examined. The learned trial court has not given the estimated time for conclusion of the trial giving the reason that *“the P.O. of this Court has gone on long leave due to which the required information regarding the estimated time of the trial likely to be concluded seems to be impossible to inform”*.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 22.3.2016 and as per the report of the learned court below, the trial is not likely to be concluded in near future, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ 4th Saran at Chapra, in connection with Sessions Trial No. 476 of 2016 arising out of Ekma P.S.



Case No. 160 of 2015 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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