

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.262 of 2021**

Arising Out of PS. Case No.-49 Year-2013 Thana- SINGHWARA District- Darbhanga

MUKESH SHARMA S/o Ramprit Sharma Resident of Village- Rampatti,
P.S.- Singhwara, District- Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh,Sr.Advocate

Mr.Rakesh Singh,Advocate

For the Opposite Party/s : Mr.Harendra Prasad,APP

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

6 07-07-2021 Heard learned Senior Counsel for the petitioner and

Mr. Harendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in Sessions Trial No. 268B/2014 arising out of Singhwara P.S. Case No. 49 of 2013 registered for the offences punishable under Sections 341, 323, 324, 307, 447, 504, 429/34, 302 of the Indian Penal Code.

Earlier while hearing the bail petition, this Court had noticed from the report of the learned trial court that the trial in the present case is pending because the petitioner was arrested only on 31.08.2020, he was absconding for about seven years. The trial court's report says that the trial is pending because the co-accused, namely, Priyanka Kumari and Ramprit Sharma are on run since the year 2016. It further states that the court will



make every endeavour to finish the trial of the accused-petitioner after separating his case records from the non-appearing accused within a year.

A supplementary affidavit has been filed on behalf of the petitioner. It is stated therein that co-accused Priyanka Kumari has been released on bail by the Juvenile Justice Board, Darbhanga and a certificate in this regard has been brought on record as Annexure '3'. Surprisingly, the certificate has been signed by the Peshkar of the Juvenile Justice Board, Darbhanga giving an impression that he has issued the same as directed. The Juvenile Justice Board, Darbhanga shall look into the certificate and find out the genuineness of the same and consequential action, if any, required.

It is an admitted position that co-accused Ramprit Sharma has not surrendered so far.

In these circumstances, since this Court has expressed its views that the Court is not willing to enlarge the petitioner on bail, learned Senior Counsel submits that the petitioner shall file an application in the learned court below for separating his records. Such application shall be filed within four weeks from today.

Considering the aforesaid aspects of the matter, this



Court is not inclined to release the petitioner on bail.

If the petitioner files an application for separating his records within four weeks from today, the learned trial court shall pass an appropriate order thereon and proceed with the trial of the petitioner while simultaneously taking appropriate action to procure the appearance of the non-appearing accused. All endeavours shall be made to conclude the trial within six months after separating the records of the petitioner. If the trial is not concluded within six months after separating the records of the petitioner for no reason attributable to him, the petitioner 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'.

