

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17165 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- SAUR BAZAR District- Saharsa

MAHENDRA SHARMA S/o Chamru Sharma R/o village- Kavaiya, Tola
Pama, P.S.- Sour Bazar (Patarghat O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Anil Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 08-08-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered u/s 147, 148, 149, 341, 342,
323, 325, 307, 302, 120B, 201 and 379 of the Indian Penal Code

As per the prosecution case, the informant, mother of
the deceased, disclosed that her son Sudhir Kumar had gone to
the house of his sister, but he did not return. When the informant
inquired from her daughter, her daughter disclosed that Sudhir
Kumar left her house at 07:00 P.M. Later on, the informant



came to know that her son was killed by Mahendra Sharma, Niranjana Kumar Mehta, Siko Sharma, Surendra Sharma, Vakil Sharma, Bal Binder Sharma, Jay Kumar Sharma, Rupesh Sharma, Kailash Sharma and others. The informant came to the place of occurrence and saw the dead body of her son lying near the cattle shade of the petitioner, Mahendra Sharma. Blood was oozing out from different parts of the body.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The petitioner has clean antecedent at para 3 of the bail petition. Earlier, the bail petition of the petitioner was rejected vide order dated 25.02.2021 passed in Cr. Misc. No. 34463 of 2020 with an observation that if the trial is not concluded within nine months, the petitioner so advised may renew his prayer of bail. Learned counsel for the petitioner has further submitted that nine months have already been expired and the report has come from the concerned Court. Learned trial Court has explained the reason that learned counsel for defence did not appear for the final argument and on account of non-cooperation of the defence, the case is not concluded within the stipulated period of time. The petitioner is languishing in jail



custody since 08.01.2020.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the trial is at advance stage.

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner, above named, on bail.

Learned trial Court is directed to expedite the trial and conclude the same preferably within two months from the date of receipt of this order.

This application is rejected.

(Chandra Prakash Singh, J)

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