

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38008 of 2021

Arising Out of PS. Case No.-3 Year-2019 Thana- SAKRA District- Muzaffarpur

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Bipul Sharma @ Vipin Sharma S/O Nawal Kishor Thakur @ Nawal Kishor
Sharma R/O Village- Haripur Krishan, P.S.- Sakra, District- Muzaffarpur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Opposite Party/s: Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-02-2022 Learned counsel for the petitioner undertakes to re-
move all the defects pointed out by the Stamp Reporter within
two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Pushpa Sinha, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Sakra P.S. Case No. 3 of 2019 registered
for the offence punishable under Section 392 of the Indian Penal
Code. He has been taken on remand in this case and is in cus-
tody since 07.10.2020 in connection with this case. He has got 7
criminal antecedents.

Learned counsel for the petitioner submits that the in-
formant has not named this petitioner, the FIR is against un-
known but in course of investigation the co-accused, namely,
Govind Das @ Pushpa Das has disclosed the name of the peti-



tioner. There is no recovery from his possession and except the confessional statement there is no other material against him. Govind Das and Kanhai Thakur the two co-accused have been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 25143 of 2020 and Cr. Misc. No. 22715 of 2020. Learned counsel, however, submits that so far as Kanhai Thakur is concerned, he has also got 3 criminal antecedents.

Ms. Pushpa Sinha, learned APP for the State has, after going through the case diary, pointed out that not only the name has come in the confessional statement of the co-accused but there are independent witnesses of the village whose statements have been recorded on the very next day of the occurrence in paragraphs '108' and '109' of the case diary and both the witnesses have stated that they had seen the petitioner fleeing away from the spot.

Learned APP further submits that this petitioner did not surrender in this case for more than one and half year and it is only when he was arrested in connection with a case under the Arms Act then he could be brought on remand in the present case. Thus, criminal antecedent of the petitioner may also be taken into consideration.

Having regard to the materials available on the record



and upon finding that in the case diary at least two witnesses have come forward to say that this petitioner was seen fleeing away from the spot and further that the petitioner has got 7 criminal antecedents and all are of serious nature which are likely to cause threat to the society at large, this Court is not inclined to enlarge the petitioner on bail at this stage.

Let the trial be expedited. The learned trial court shall take all endeavours to conclude the trial within a period of 9 months from the date of communication of this order. If the trial still 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'.

