

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36362 of 2022

Arising Out of PS. Case No.-266 Year-2019 Thana- RAJGIR District- Nalanda

Md. Sharukh @ Md. Sarukh @ Md. Shahrukh, Son of Md. Mansoor @ Md. Mansoor Alam @ Mansoor Alam Resident of village - Mohiuddinpur @ Mahadipur, P.S.- Dandari, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner in the present case has renewed his prayer for bail in connection with Sessions Trial No. 332 of 2021 arising out of Rajgir P.S. Case No. 266 of 2019 registered for the offences under Sections 302, 201, 120(B) of the Indian Penal Code. He has got no criminal antecedent. He is in judicial custody since 27.07.2019.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 17.07.2019 passed in Cr. Misc. 68513 of 2019 with a direction to expedite the trial.

Learned counsel for the petitioner submits that after the first rejection of the prayer for bail of the petitioner, the petitioner had moved Special Leave Petition (Criminal) Diary



No. 10732 of 2020 before the Hon'ble Apex Court, however, the said special leave petition was dismissed. Thereafter, the petitioner once again moved this Court in Cr. Misc. No. 21051 of 2021 but his prayer has been rejected with an observation that if the trial is not concluded within a period of one year for no reason attributable to the petitioner, he may renew his prayer for bail.

Learned counsel submits that the trial has yet not been concluded. Learned counsel submits that some of the co-accused in this case have been granted bail vide Annexure '3 Series'.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the reasons provided in the earlier orders of rejection by this Court as also that the trial is going on in this case and as per the report of the learned trial court, it is likely to take six months time in conclusion of the trial, this Court is not inclined to release the petitioner on bail.

Let the learned trial court keep the records on shorter dates and an endeavours be made to conclude the trial within a period as mentioned in its letter no. 18 dated 16.01.2023



addressed to this Court.

If the trial is still not concluded within the aforesaid period for no reason attributable to the petitioner, the petitioner may renew his prayer for bail in the learned court below.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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