

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44272 of 2023

Arising Out of PS. Case No.-392 Year-2020 Thana- BIDUPUR District- Vaishali

Mukul Kumar, Son Of Sikandar Pandey Resident Of Village- Chakausan, Ps-
Bidupur, Distt- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar- Advocate
For the State	:	Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Bidupur P. S. Case No.392 of 2020 dated 24.09.2020 registered for the offences punishable under Sections 363, 365/34 of the Indian Penal Code and later on, Sections 302, 201, 120(B), 364(A) of the I.P.C. were also added.

This is the third attempt of the petitioner to seek bail.

The learned counsel for the petitioner submits that petitioner is in custody since 29.09.2020 and his name transpired in the confessional statement Sanjeet Kumar along with Avinash Kumar and others.

The learned counsel for the petitioner submits that Avinash Kumar was granted the privilege of regular bail by



order dated 24.06.2021 in Cr. Misc. No.8598 of 2021. It is further submitted that when the bail application of the petitioner was taken up for consideration, it appears that inadvertently, the said order of Avinash Kumar was not brought to the notice of the Court. It is further submitted that Avinash Kumar and the petitioner are similarly situated as both are alleged to have committed the murder of a child aged about 8-9 years along with Sanjeet Kumar and others. It is next submitted that the trial has commenced and one witness has been examined.

Learned A.P.P. opposes the bail application and submits that when bail was granted to Avinash Kumar, at that time the trial has not commenced, but now, since the trial has commenced and one witness has been examined, as such, the petitioner does not deserve the privilege of bail.

Considering the submission made by the learned Additional P. P., the Court, for the present, is not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the learned trial Court is directed to ensure that the trial is completed within a period of seven months from the date of receipt/production of a copy of this order. In the



event, if the trial is not concluded within the aforesaid period for no fault of the petitioner, the petitioner would be at liberty to file an application seeking bail from the learned trial Court itself and in the event, if the learned trial Court comes to a conclusion that for no fault of the petitioner, the trial could not be concluded in that event, orders in accordance with law shall be passed keeping in mind that Avinash Kumar has been enlarged on bail by a learned Coordinate Bench of this Court.

(Satyavrat Verma, J)

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