

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53356 of 2022**

Arising Out of PS. Case No.-163 Year-1998 Thana- CHAPRA TOWN District- Saran

SARVESH KUMAR SINGH @ SARVESH SHARMA Son of Late Harendra  
Mohan Sharma Resident of Village- Ramgarha Avtarnagar District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

5      13-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks regular bail in connection with Chhapra  
Town P.S. Case No. 163 of 1998, dated 12.06.1998 registered  
for the offences punishable under Sections 302, 120B and 34 of  
the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant's brother  
(deceased) was gunned down by this petitioner and other co-  
accused persons. Further, the accused persons also opened fire  
at the informant and the reason for the alleged occurrence is said  
to be that the deceased became a witness in S.Tr. No. 475 of  
1996.

The main submissions advanced by petitioner's counsel  
are that the FIR of the instant matter was lodged in the year



1998 and during the course of investigation matter was handed over to Crime Investigation Department (C.I.D) for investigation which submitted its report on 26.02.1999 with a conclusion that the local police gave contradictory reports against the named and unnamed accused, as per FIR two co-accused persons namely, Surendra Sharma and Satyendra Sharma were also named and they faced trial separately and lastly they have been acquitted and in their trial no prosecution witness turned up and during the course of investigation no independent witness supported the allegations levelled against the petitioner in the FIR and at the time of commission of alleged occurrence the petitioner was a government employee and as per the status report with regard to the position of the trial of the petitioner sent by the Court concerned, petitioner's case has been committed recently and as per his knowledge charges have been framed upon the petitioner and accordingly, his case is at the initial stage. Further submission is that the petitioner has been languishing in jail since 16.11.2021.

Learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the case diary of this Case. The instant matter relates to a murder



allegedly committed by this petitioner and his one companion and there is a direct allegation against the petitioner and as per the informant who is stated to be the eye-witness of the alleged occurrence, this petitioner fired at the deceased from a very close range and in this regard all the eye-witnesses supported the said allegation during the course of investigation and the petitioner is stated to be the brother of one namely, Surendra Sharma who is an Ex-MLA and according to prosecution the deceased was a witness in connection with the murder of his brother namely, Amerika Singh in which the petitioner's brother and others were facing trial and on account of the said inimical term the alleged occurrence was committed and though the instant matter is very old but as per the chargesheet the petitioner was shown absconder when the chargesheet was submitted. Considering all these facts and mainly the seriousness of the accusation appearing against the petitioner, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

As per the submission made by learned senior counsel, the charges have been framed upon the petitioner, hence the trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next one



year, if no significant progress is made in the next six months in  
petitioner’s trial then the petitioner may renew his prayer for  
bail.

(Shailendra Singh, J.)

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