

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54817 of 2022**

Arising Out of PS. Case No.-49 Year-2013 Thana- SINGHWARA District- Darbhanga

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MUKESH SHARMA @ MUKESH KUMAR SHARMA S/o Ramprit Sharma
Resident of Village- Rampatti, P.S.- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with S.Tr. No.268©/2014 (arising out of Singhwara P.S. Case No.49/2013) registered for the offences punishable under Sections 341, 323, 324, 307, 447, 504, 429/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was also added. The petitioner is in custody since 31.08.2020. He has got two criminal antecedents as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner on 07.07.2021 in Cr. Misc. No. 262 of 2021, this Court had observed that in case the trial is not concluded within a period of



six months after separating the records of the petitioner for no reason attributable to him, the petitioner may renew his prayer for bail.

Learned counsel further submits that till date after framing of charge not a single witness has been examined.

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

Having regard to the observations present in the impugned order showing that the records of the petitioner were separated on 01.02.2022 and it is the submission of learned counsel for the petitioner that the charge was framed on 24.07.2022 but till date not a single witness has been examined, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Darbhanga in connection with S.Tr. No.268©/2014 arising out of Singhwara P.S. Case No.49 of 2013, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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