

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.771 of 2024

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

Sarvesh Kumar Singh @ Sarvesh Kumar Sharma @ Sarvesh Sharma, son of
Late Harendra Mohan Sharma @ Hari Mohan Sharma, Vill- Ramgarha, P.S.-
Avtarnagar, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-02-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. 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 and
120B read with Section 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. The main submissions advanced by learned counsel
for the petitioner are that this is second attempt of the petitioner to
get the relief of regular bail as his earlier bail prayer was rejected
by this Bench vide order dated 13.04.2023 passed in Cr. Misc. No.
53356/2022 with giving him a liberty to renew his bail prayer after
six months from the date of the said rejection order, if no
significant progress is made in his trial and in the light of the said
liberty, he has again come before this Court mainly on the ground



that still no progress has been made in his trial and till date no prosecution witness has been produced and examined despite processes of all types having been issued for getting the appearance of the prosecution's witnesses and the petitioner has been languishing in jail since 16.11.2021. Further submissions are that two co-accused persons carrying similar nature of allegation have faced trial separately and they have been acquitted and at the time of commission of the alleged occurrence, the petitioner was a government employee.

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

5. Considering the above submissions and mainly taking into account the petitioner's custody period and prosecution's lingering attitude as stated above in producing the prosecution's witnesses, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Chhapra Town P.S. Case No. 163 of 1998.

(Shailendra Singh, J)

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