

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41969 of 2017

Arising Out of PS.Case No. -71 Year- 2016 Thana -JAHANABAD District- JEHANABAD

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Chandra Prakash Kumar @ Gaya Lal @ Mukesh @ Chandan Prakash
Kumar Son of Krishna Yadav R/o village Nima, P.S. Goh, District -
Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vivek Anand Amritesh

For the Opposite Party/s : Mr. Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 18-10-2017 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-b)A, 26, 35 of the Arms
Act and Section 17 of C.L.A. Act.

Earlier the prayer for bail of the petitioner was
rejected twice by this court taking note of recovery made from his
conscious possession but while rejecting the bail prayer of the
petitioner vide order dated 16.11.2016 passed in Cr. Misc. No.
46308 of 2016, this court directed the trial court to conclude the
trial of the petitioner within six months and liberty was granted to
petitioner to renew his prayer for bail, if his trial is not concluded



within above stated period of six months.

It would appear from perusal of impugned order dated 29.06.2017 that order of this court was received in the court below but in spite of direction prosecution could not examine even a single witness and the trial of the petitioner is still pending.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 12.02.2016 but even then the prosecution failed to produce even a single witness before the court below, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No. 71 of 2016.

(Hemant Kumar Srivastava, J)

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