

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18567 of 2020

Arising Out of PS. Case No.-171 Year-2017 Thana- CHANDI District- Nalanda

SHIVALAK KEWAT @ SHIV BALAK KEWAT Son of Late Chando Kewat
Resident of Village - English Giriyak, P.S.- Giriyak, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2020 Heard Mr. Ajay Mukherjee, learned counsel for the petitioner and Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Chandi P.S. Case No. 171 of 2017 (Sessions Trial No.106 of 2018) registered for the offences punishable under Section(s) 399, 402 of the Indian Penal Code, 1860, Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation against the petitioner as per the First Information Report is that the SHO Chandi P.S. on receiving confidential information that near the pond situated at Habibullah Chak More, 12-13 persons have assembled and preparing plan for committing crime, he along with other Police



personnel proceeded towards the place of occurrence and arrested two persons including the petitioner. It has further been alleged that one loaded country made pistol and one live cartridge of 8 mm have been recovered from possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. Learned counsel further submits that after arrest of the petitioner in this case on 27.05.2017, he was remanded in three other cases and since then he is in jail custody in the instant case.

This Court by an order dated 03.06.2020 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned 4th Additional Sessions Judge, Hilsa, Nalanda, dated 24.6.2020 is on record and from perusal of the same, it appears that charge would likely to be framed by 27.6.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner has remained in custody since 27.05.2017, I am inclined to grant regular bail to the petitioner **after framing of charge.**



Accordingly, let the petitioner, above named, be released on regular bail, **after framing of charge if the same has not already been framed**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Hilsa, Nalanda, in connection with Chandi P.S. Case No. 171 of 2017 (Sessions Trial No.106 of 2018) on following condition:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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