

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.22562 of 2020**

Arising Out of PS. Case No.-291 Year-2018 Thana- BARHIYA District- Lakhisarai

CHANDAN KUMAR @ TITU DHAMAKA S/o Sri Baban Singh Resident of  
Village- Jaitpur, P.S.- Barhaiya, Distt- Lakhisarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                           |
|----------------------------|---|-----------------------------------------------------------|
| For the Petitioner/s       | : | Mr. P. K. Sahi, Sr. Advocate<br>Mr. Nabin Kumar, Advocate |
| For the Opposite Party/s : |   | Mr. Binod Kumar No. 3, APP                                |

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

4      07-10-2020                      Heard learned Senior Counsel for the petitioner and Mr.  
Binod Kumar No. 3, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Barhaiya P.S. Case No. 291 of 2018 registered for the offences punishable under Sections 25(1-B)A, 24 (I) (ii)/35 of the Arms Act.

Learned Senior Counsel for the petitioner submits that while rejecting the prayer for regular bail of the petitioner vide order dated 04.12.2019 passed in Cr. Misc. No. 74056 of 2019, this Court had noticed that there is a criminal antecedent of six more cases of similar nature against the petitioner.

It is submitted that now the petitioner has remained in custody for over one year and ten months and the trial is not likely to be concluded in near future. It is submitted that in such



circumstance now considering the period of custody, the petitioner may be released on bail.

On the other hand, Mr. Binod Kumar No. 3, learned APP for the State submits that earlier while rejecting the prayer for bail of the petitioner, this Court had made following observations:-

Considering the facts and circumstances of the case wherein police has arrested this petitioner with country made pistol and eight live cartridges and that he has got six more cases of similar nature under various provisions of the I.P.C. read with Section 27 of the Arms Act, this court is not inclined to grant regular bail to the petitioner. Learned counsel for the petitioner has submitted before this court that two co-accused have been granted regular bail by learned coordinate Bench of this court, however after going through the orders passed by learned coordinate Bench this court finds that the attention of learned coordinate Bench of this court was perhaps not drawn towards the criminal antecedent issue, may be that those petitioners may not have got criminal antecedent. To this court, it appears that there being criminal antecedent of as many as six cases of similar nature, release of this petitioner will be a threat to the society and his presence may not be procured by this court in course of trial easily.

The application is, thus, dismissed.”

It is then submitted that at first instance this Court had not given any observation for renewal of bail at any stage and the dismissal is on merit. Secondly, he submits that from the report of the learned court below contained in letter no. 57 dated 17.09.2020



it would appear that the trial has begun and the court below is requesting for only four months time to conclude the trial and as the courts are now re-opening and work has started, it would be just and proper to allow the learned trial court to conclude the trial within four months. He has also pointed out that in this case two seizure list witnesses are required to be examined and at this stage during the trial if the petitioner is released on bail, the trial may be affected.

Considering the facts and circumstances of the case and on finding that on earlier occasion this Court had rejected the prayer for bail of the petitioner on merit but there was no observation and further the trial has already begun, this Court is willing to agree with the submission of learned APP for the State. The prayer for grant of bail is thus, not accepted and trial court is directed to complete the trial within four months from the date of receipt/production of a copy of this order by conducting the same on day to day basis without granting any adjournment unless it becomes absolutely necessary and this order be complied with in letter and spirit.

This application stands dismissed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

