

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27335 of 2020**

Arising Out of PS. Case No.-696 Year-2018 Thana- KHAGARIA District- Khagaria

Birju Yadav, Son of Sukumar Yadav, Resident of Village - Hasulia, P.S. -
Simri Bakhtiyarpur, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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

2 21-10-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Khagaria (Muffasil) P.S. Case No.696 of
2018, G.R. No. 2828 of 2018 registered for the offences
punishable under Sections 25(1-b) A/26/35 of the Arms Act.

The prosecution case against the petitioner is that he
along with one co-accused Rabish Yadav were intercepted by
the Police party. From possession of this petitioner one black
colour bag was seized from which one black colour carbine with



magazine and two carbine magazines and one country made pistol of the given description and another country made pistol of the given description were seized.

Learned counsel submits that the petitioner is in custody since 07.10.2018. At the same time this is also informed that trial has already begun and at least two witnesses have been examined in course of trial.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the recovery of huge quantity of weapons and ammunitions is in the nature of a very serious offence and the fact that the trial has already begun and two witnesses have been examined in this case, this Court may at this stage reject the prayer for bail of the petitioner.

It is submitted that in case of his release at this stage the trial is likely to be affected.

Having regard to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

Let the trial court proceed with the trial and conclude the same preferably within six months from today.

The trial court shall fix the date of this case on day to day basis and shall not grant any adjournment unless it becomes absolutely necessary. If the trial is not concluded within a period



of six months without there being any reason attributable to the petitioner, the petitioner may renew his prayer for bail.

This application stands disposed of.

(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'.

