

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27401 of 2020**

Arising Out of PS. Case No.-141 Year-2018 Thana- BELDOUR District- Khagaria

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PAPPU SAH @ PAPPU GUPTA S/o Sukhdeo Sah Resident of Village-
Beldaur, P.S.- Beldaur, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

3 09-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State in absence of Sri
Satyanand Shukla, APP.

The petitioner in the present case is taking second
attempt to obtain regular bail in connection with Beldour P.S.
Case No. 141 of 2018 registered for the offences punishable
under Sections 25(1-b)a, 26(i) (ii) of the Arms Act and Section
379c) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per
allegations one country-made pistol and one live cartridge were
recovered from possession of the petitioner but he is in custody



in connection with this case since 02.08.2018, considering this aspect of this matter the petitioner may be released on bail.

On the other hand, learned APP for the State submits that this Court while rejecting the prayer for regular bail of the petitioner on 23.01.2020 has recorded that the petitioner is a convict in Beldour P.S. Case No. 90 of 2017 and still he has got involved in a case of similar nature and has been arrested with country-made pistol and live cartridge.

It is further pointed out that the trial in this case has already begun and out of 7 chargesheet witnesses, 3 prosecution witnesses have been examined by the prosecution, considering the criminal antecedent of the petitioner if he is released on bail at this stage there is every possibility that the petitioner may indulge in threatening the witnesses and that will influence the course of trial.

Having regard to the facts and circumstances of the case, this Court agrees with the submission of learned APP for the State. Now four prosecution witnesses have remained to be examined and the learned court below has submitted a report saying that the trial is likely to be concluded in six months.

In view of the report of the learned trial court and considering the criminal antecedent of the petitioner, this Court



is not inclined to release the petitioner on bail.

In case the trial is not concluded for any reason not attributable to the petitioner within six months from today, the petitioner may renew his prayer for bail.

The trial court is directed to complete the trial on day-to-day basis. No unnecessary adjournment shall be granted by the trial court and the date will be fixed on day-to-day basis. Prosecution must cooperate in completion of trial.

The application stands disposed of accordingly.

(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'.

