

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30909 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- HARINMAR District- Munger

SHYAM PATEL @ SHYAM SINGH, Son of Atto Singh, Resident of Village -
Jhauwa Bahiyar (Dukkha Tola, Ward No. 3), Police Station - Harinmar,
District - Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

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

3 25-08-2021 Heard learned counsel for the petitioner and Mr.
Shailendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is taking second attempt to
obtain regular bail in connection with Harinmar P.S. Case No. 02 of
2020 registered for the offence punishable under Sections 307, 353,
332, 333, 414, 34 of the Indian Penal Code and Section 25(1-b)a/25
(1-A)/27/27(2)/35 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected
after noticing the kind of allegations against the petitioner. It has
been alleged that when the Police party reached on the place of
occurrence after getting information that several criminals were
hiding in the Bahiyar lashed with rifles and several rounds of
cartridges, they indulged in encounter with Police. This petitioner
along with co-accused were arrested and from his possession one

double barrel regular gun containing one empty cartridge, 10 cartridges having mark of firing pin and one police rifle with magazine containing two cartridges and five having mark of firing pin and one live cartridge were recovered from the possession of the co-accused and loaded country made pistol and 10 live cartridges and 12 empty cartridges were also recovered, in the nature of the material, this Court rejected the prayer for bail of the petitioner.

Mr. Shailendra Kumar Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

A report has been called for from the learned trial court. According to it the case is fixed for hearing on charge.

Considering the facts and circumstances, seriousness of the allegations and the materials on the record, this Court is not persuaded to enlarge the petitioner on bail at this stage. The prayer for bail of the petitioner is, thus, refused.

The trial court is directed to proceed to frame charge in this case within a period of one month from the date of communication of this order and all endeavours be made to conclude the trial preferably within a period of nine months from the date of communication of a copy of this order.

The prosecution must cooperate by producing the witnesses in this case and in this regard the order of the learned trial court calling upon the witnesses either through summon or warrant of arrest shall be executed by the concerned authorities expeditiously.

Despite all this if the trial is not concluded for no reason attributable to the petitioner within a period of nine months, the petitioner may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

vats/-

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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’.