

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54035 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- BARAULI District- Gopalganj

RAMBABU RAI @ TIMAL RAI @ TIMAL Son of - Judge Rai @ Jai
Narayan Rai Resident of Village - Silodhi Paschim Tola, P.S. - Madhaura,
District - Saran (Chapra), Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-11-2021 Heard Mr. Pramod Kumar Singh, learned counsel for
the petitioner and Mr. Atul Chandra, learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Barauli P.S. Case No. 45 of 2020 registered for the offences
punishable under Sections 399, 402, 411, 413, 414 of the Indian
Penal Code, Sections 25(1-b)A, 26(1)(2), 35 of the Arms Act,
Sections 8(c)/20(b)(ii)(B) of the N.D.P.S. Act.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
25.11.2020 passed in Cr. Misc. 26444 of 2020 with liberty to
renew his prayer for grant of regular bail after nine months.



The allegation as per the First Information Report is that Police on the basis of secret information that some miscreants have assembled near the orchard of Devendra Prasad on N.H. 28, proceeded towards the place of occurrence and arrested two persons sitting on Discover Motorcycle namely, Ajit Kumar Singh @ Ravi @ Rambabu Rai @ Timal i.e. this petitioner and recovered a country made loaded pistol from the waist of the petitioner and two packets of *Ganja* each containing 250 grams from the Discover Motorcycle.

Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner this Court had granted him liberty to renew his prayer for bail after nine months if the trial does not show any progress. Learned counsel further submits that the petitioner is in custody since 24.2.2020 and 500 grams *Ganja* as well as a country made pistol were allegedly recovered from possession of the petitioner. He next submits that the trial is not likely to be concluded in near future.

This Court by order dated 22.9.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned 1st Additional Sessions Judge, Gopalganj, is on record and from perusal of the same, it appears that the trial has not yet been started.



Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 24.2.2020, the *Ganja* which has been recovered from possession of the petitioner is not of commercial quantity and the trial is not likely to be concluded in near future, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge 1st, Distt. Gopalganj/concerned court, in connection with Barauli P.S. Case No. 45 of 2020 subject to the condition 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 social distancing.

(Anil Kumar Sinha, J)

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