

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87299 of 2019

Arising Out of PS. Case No.-307 Year-2018 Thana- TEKARI District- Gaya

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Gajni @ Vickky @ Galni, Son of Md. Khaliq, Resident of Village - Andar
Kila, P.S.- Tekari, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate
For the Opposite Party/s : Mrs. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-04-2021 Heard learned counsel for the petitioner and Mrs.
Nirmala Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Tekari P.S. Case No. 307 of 2018 registered for the offence punishable under Sections 25 (1-b)a, 26, 35 of the Arms Act and Section 20 of N.D.P.S. Act.

Earlier the prayer for bail of the petitioner was rejected by a learned predecessor Bench of this Court vide order dated 22.05.2019 passed in Cr. Misc. No. 25495 of 2019. While rejecting the prayer for regular bail the learned co-ordinate Bench had granted liberty to the petitioner to renew his prayer for bail if the trial is not concluded within a period of six months.

The report received from the learned trial court shows



that in this case charge has been framed on 01.04.2019. Summons and bailable warrants have been issued against the prosecution witnesses but till now not a single witness has been produced by the prosecution for the evidence.

Although the Court is not happy with the kind of situation created by the prosecution, however, considering the gravity of the offence showing two country made pistols, 6-7 cartridges as well as 650 gms. Ganja has been recovered from the possession of the petitioner and he has got 11 cases on his head, this Court is not inclined to grant bail to the petitioner at this stage.

Let the trial be expedited. The trial court shall not grant any adjournment and the matter shall proceed on day to day basis

The S.S.P./S.P., Gaya is directed to execute the warrants against the prosecution witnesses and produce them before the learned trial court for evidence on the date fixed in the matter. The Public Prosecutor and the person in-charge of the prosecution shall ensure that all the prosecution witnesses are produced. Still for no reason attributable to the petitioner if the trial is not concluded within a period of four months from today, he may renew his prayer for bail.



This application stands disposed of accordingly.

(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'.

