

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2885 of 2022

Arising Out of PS. Case No.-34 Year-2020 Thana- GHOSI District- Jehanabad

Ashok Bishvkarma @ Ashok Vishwakarma Son Of Kailash Bishvkarma @
Kailash Vishwakarma Resident Of Village- Mirzapur, P.S.- Ghosi (Okari),
District- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks from today.

Heard learned counsel for the petitioner and Mr.
Fahimuddin, learned APP for the State.

This is the second attempt of the petitioner to obtain
bail in connection with Ghosi (Okari) P.S. Case No. 34 of 2020
registered for the offences punishable under Sections 25(1-b)a,
(1-AA), 26 and 35 of the Arms Act. He is in custody since
26.01.2020. He has one criminal antecedent in which he is said
to be on bail as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that earlier
the prayer for regular bail of the petitioner was rejected vide
order dated 02.03.2021 passed in Cr. Misc. No. 39113 of 2021



with observation that if the trial remains unconcluded within the period of nine months the petitioner may renew his prayer for bail.

This Court had called for a report from the learned trial court which has been received vide Letter No. 56/2022 dated 02.03.2022. The learned trial court has informed that the case is fixed for prosecution evidence.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the observations made by this Court in its order dated 02.03.2021 in Cr. Misc. No. 39113 of 2020 and the report of the learned trial court showing that the case has not proceeded during the said period of nine months and it was fixed for prosecution evidence, the petitioner above named having remained in custody for more than two and half years is directed to be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jahanabad in connection with Ghosi (Okari) P.S. Case No. 34 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

Certified copy of this order shall be provided only after removal of all the defects.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

