

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6920 of 2022

Arising Out of PS. Case No.-47 Year-2020 Thana- MATIHANI District- Begusarai

Prince Kumar, son of Rajaram Singh, resident of Badalpura, Mirzapur,
Banduar, P.S.- Matihani, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-08-2022 Heard Mr. Pritish Kumar Lal, learned counsel for the
petitioner and Md. Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Sessions Trial No. 289 of 2021 arising out of Matihani P.S. Case No. 47 of 2020 registered for the offences punishable under Sections 353, 307 and 34 of the Indian Penal Code and Section 25(1-b)a, 26, 27 and 35 of the Arms Act. He is in custody since 04.05.2020 having seventeen (17) criminal antecedents as stated in paragraph '3' of the application. Out of these seventeen cases petitioner has already been acquitted in three cases.

As per the prosecutions story, while the informant was getting removed bamboos from the road noticed that three persons including the petitioner coming on motorcycle, two of whom were having pistol, on seeing police party they fired on



them and started fleeing away but they were apprehended by police. On search of the petitioner one regular loaded pistol and three cartridges were recovered.

Mr. Pritish Kumar Lal, learned counsel for the petitioner has informed this Court that till date only charge has been framed and not a single witness has been examined in course of trial. It is, thus, his submission that the petitioner has remained in jail in connection with this case for more than two years three months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that in it's order dated 17.03.2021 passed in Cr. Misc. No. 1262/2021, this Court had rejected the prayer for bail of the petitioner considering his criminal antecedents, but at the same time the trial court was expected to proceed with the trial as expeditiously as possible and the petitioner was granted liberty to move this court if the trial is not concluded within a period of nine months for no reason attributable to the petitioner, this Court is of the considered opinion that the petitioner cannot be kept in incarceration for an indefinite period in connection with this case by way of punishment, hence, this Court directs release of



the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – XIII, Begusarai in connection with Sessions Trial No. 289 of 2021 arising out of Matihani P.S. Case No. 47 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 step 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

