

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11292 of 2022**

Arising Out of PS. Case No.-243 Year-2019 Thana- VISHNUPAD District- Gaya

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Bambam Rawani Son Of Tulsi Rawani R/O Village- Madanpur, P.S.-
Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

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

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

3 31-08-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter.

Heard learned counsel for the petitioner and learned

APP for the State.

This is the 3rd attempt of the petitioner to obtain bail

in connection with Sessions Trial No.219 of 2020/534 of 2020

arising out of Vishnupad P.S. Case No.243 of 2019 registered

for the offences under Section 302/34 of the Indian Penal

Code and Section 27 of the Arms Act. He is in custody since

14.01.2020. The petitioner has no criminal antecedent.

In its order dated 01.09.2021, this Court having

taken note of the submissions of learned counsel for the

petitioner, State and the report of the learned trial court



observed that the trial court is expected to conclude the trial and all endeavours be made to conclude the same within the time frame provided by the trial court. On the said date the trial court had given this Court to understand that the trial will be concluded within six months. This Court also granted liberty to the petitioner to renew his prayer for bail if the trial remains unconcluded for no reason attributable to the petitioner.

Learned counsel for the petitioner submits that after passing of the last order one year has gone and till date the trial has not been concluded. Learned counsel further submits that as per the report of the learned trial court two witnesses are yet to be examined and the trial according to the learned trial court is still likely to take six months time, therefore what was given to this Court to understand on 01.09.2021, the same situation remains today.

Learned counsel for the petitioner submits that in this case the co-accused who is similarly situated with the petitioner namely Dharmendra Ravidas has been granted bail by a learned coordinate Bench of this Court on 22.09.2021 in Cr.Misc.No.47164 of 2021.

Learned APP for the State has though opposed the



prayer for bail of the petitioner but the fact remains that the learned trial court has not concluded the trial even after expiry of one year from the date of last order of this Court and still it is likely to take six months time as per the report.

In the given facts and circumstances of the case, considering that the similarly situated accused has already been granted bail, the petitioner has remained in custody since 14.01.2020 and conclusion of the trial is still likely to take a substantial period, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Gaya in connection with Sessions Trial No.219 of 2020/534 of 2020, arising out of Vishnupad P.S. Case No.243 of 2019, subject to the conditions 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.

Certified copy of the order will be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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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'.

