

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30430 of 2021

Arising Out of PS. Case No.-118 Year-2003 Thana- GAYA KOTWALI District- Gaya

BHOMA @ NIRANJAN TIWARI S/o Late Raj Kumar Tiwari R/o Mohalla-
Marufganj, P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-02-2022 Heard Mr. Ajay Kumar Sinha, learned counsel for

the petitioner and Mr. Surendra Kumar, Additional Public

Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Kotwali PS Case No. 118/2003 registered for the offence
punishable under Sections 25(1-b) a, 26/35 of the Arms Act read
with Section 4/5 of the Explosive Substance Act.

Petitioner misused privilege of bail and accordingly,
his bail bond was cancelled twice on 02.12.2010 and on
15.05.2017 and NBW was issued. The petitioner was taken into
custody on 11.09.2020.

This Court *vide* its order dated 07.12.2021 had called
for a report from the court of ADJ-XI, Gaya and in pursuance
thereof, a report *vide* letter no. 15/22 dated 10.01.2022 has been
furnished and from perusal of the same it appears that after
framing of charge, the petitioner was released on bail *vide* order



dated 15.07.2010 with a condition to appear on each and every date till trial but he remained absent and due to his absence, his bail bond was cancelled on 02.12.2010. The learned lower court also issued process under Section 82 and 83 of the CrPC.

Report further states that due to long absence and misuse of privilege of bail by accused persons including the petitioner and due to pandemic, witnesses could not be examined, however, the learned lower court has given a estimated time for completion of the trial within a period of six months.

Regards being had to the submissions made by the parties and taking into consideration the report and the fact that the case is of the year 2003, the petitioner has misused the privilege of bail twice, I am not inclined to grant regular bail to the petitioner at this stage. The same is, accordingly, rejected.

However, if so advised, the petitioner may renew his prayer for bail after six months from today if the trial does not register any substantial progress.

(Anil Kumar Sinha, J)

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