

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23034 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- BODHGAYA District- Gaya

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PINTU @ PAPPU YADAV Son of Bindeshwar Yadav @ Jehal Yadav
Resident of Village - Sujatpur, P.s.- Ghoshi, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Dr.(Mrs) Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 13-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Bodhgaya P.S Case
No. 240 of 2020 registered for the offences punishable under
Section 414 of the Indian Penal Code and sections 25(1-b)A, 26
of the Arms Act.

Allegedly one loaded country made pistol was
recovered from the possession of this petitioner and one laptop
was recovered from the room of the house of this petitioner.

The main submissions advanced by learned counsel
Sri Pramod Kumar appearing for the petitioner are that against
the petitioner there are 19 criminal cases apart from the present
case and out of the said criminal antecedents the petitioner was



remanded in nine cases after he was taken in custody in the instant case and many cases of said criminal antecedent relate to the year 2010, 2013, 2016 and 2017 and he is on bail in nine cases. Further submission is that the alleged offence is triable by the Magistrate and the petitioner has been languishing in jail since 11.07.2020 and in the light of direction given by this Court the trial court has sent its report with regard to the stage and the status of the petitioner's trial and according to the said report the charge was framed on 12.10.2020 and after framing of charge only two prosecution witnesses have been examined and the report clearly shows prosecution's lingering attitude towards the petitioner's case.

Learned APP Dr. (Mrs) Indihar Kumari appearing for the State has opposed the prayer for bail and submitted that against the petitioner there are criminal antecedents of several cases and he does not deserve the privilege of bail.

Heard both the sides and perused the FIR of this case and the report sent by trial court in the light of direction given by this court on 22.07.2022 and the said report shows that on the petitioner charge was framed on 12.10.2020 and thereafter only two prosecution witnesses were examined out of the total seven prosecution witnesses and the said fact clearly shows that the



prosecution is very slow in producing the witnesses and alleged offences are triable by Magistrate.

Considering these facts the petitioner deserves to a lenient approach of this Court. Accordingly, petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate II, Gaya in Bodhgaya P.S Case No. 240 of 2020 further on this condition that the petitioner shall make his attendance every fortnight in the police station concerned where he presently resides and the S.H.O of police station concerned shall send his attendance report as well as report of petitioner's conduct to the trial court every fortnight, if the petitioner does not comply with this direction or any adverse to the conduct of petitioner, showing his further involvement in any criminal activity is found then the court below shall take serious action against him by cancelling his bail bond.

(Shailendra Singh, J)

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