

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30280 of 2022**

Arising Out of PS. Case No.-277 Year-2019 Thana- DALSINGHSARAI District- Samastipur

Gopal Chaudhary @ Lalo Chaudhary @ Laloo @ Gopal Kumar, Son Of
Mahendra Chaudhary R/O- Village- Kewta P.S.- Dalsing Sarai District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha, Adv.

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

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

8 17-09-2022 Learned counsel for the petitioner is directed to
remove all the SR defects within two weeks from today.

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

This is the second attempt of the petitioner to obtain
regular bail in connection with Sessions Trial No.178 of 2020
arising out of Dalsing Sarai P.S. Case No.277 of 2019 for the
offences punishable under Section 307 of the Indian Penal Code
and Section 27 of the Arms Act. He is in custody since
25.05.2020. The petitioner is said to have 18 criminal
antecedents.

Earlier the prayer for bail of the petitioner was
rejected by this Court vide order dated 26.03.2021 passed in



Cr.Misc.No.39182 of 2020 with an observation that in case the trial is not concluded within a period of nine months for no reasonable attributable to the petitioner, he may renew his prayer for bail.

Learned counsel for the petitioner submits that the petitioner has been in judicial custody and, therefore, there is no reason for his delaying the trial but till date only charge has been framed and not a single witness has been examined in course of trial.

Learned counsel further submits that in this case there is no material against the petitioner. The allegation is that he had fired twice upon the informant but the bullet did not hit him. The police has not seized any empty cartridge from the place of occurrence and no incriminating material has been recovered from the possession of the petitioner. He has been falsely implicated in this case only because of his criminal antecedents and even those cases were registered against unknown. In any case the petitioner has already been granted bail in all those cases.

Learned APP for the State is present and has opposed the prayer for bail of the petitioner but does not dispute the contention of learned counsel for the petitioner that the



petitioner has remained in custody in connection with this case for more than two years four months by now and till date the trial has not begun.

In the given facts and circumstances of the case considering its previous observation and the fact that the petitioner has remained in custody for more than two years four months but till date only charge is said to have been framed and the conclusion of the trial is likely to take much time, there being no submission that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial or that his presence cannot be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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.-II, Samastipur in connection with Sessions Trial No.178 of 2020 arising out of Dalsing Sarai P.S. Case No.277 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.

And further condition that the petitioner shall attend the trial on each and every date fixed in the matter. If he fails to appear on two consecutive dates for no plausible reason to the satisfaction of the learned court below, his bail bond shall be cancelled and he will be taken into custody.

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'.

