

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41174 of 2021**

Arising Out of PS. Case No.-143 Year-2016 Thana- RAMKRISHNANAGAR District- Patna

Chhotu @ Prince S/o- Sunil Prasad @ Sunil Kumar @ Sunil Kumar Gupta
R/o Village- Chaudhary Tola Petrol Pump, Azad Lane, P.S.- Sultanganj,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
Mr. A.K. Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Naveen Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 26-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

At the outset, it is submitted by learned counsel that this is
the second bail petition as earlier bail petition of petitioner was
rejected by this Court, while dealing the business through Cr. Misc.
No. 31863 of the 2020 vide order dated 02.12.2020.

The petitioner seeks bail in connection with Ramkrishna
Nagar P.S. Case No. 143 of 2016 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and under Sections
25(1-B)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 03.03.2020.

The allegation against the petitioner is to assemble with other co-accused persons for some criminal activities, where several pistols and cartridges were recovered.

Learned counsel appearing on behalf of the petitioner submitted that while rejecting the bail of this petitioner on earlier occasion, it was directed by this Hon'ble Court to learned Trial Court to expedite the trial and concluding the same within seven months from the date of receiving of production of the copy of the order. It is submitted that since then more than one year over the directed period of seven months has already been passed but matter has still pending for framing of charge without having any progress towards trial and, as such, petitioner cannot be kept behind the bar for any indefinite period of time, which may also not serve any purpose of justice. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as trial is yet to conclude in this matter, let the petitioner, above named, is directed to be released on bail in connection with Ramkrishna Nagar P.S. Case No. 143 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned A.C.J.M.-XIII,
Patna/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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