

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51330 of 2022

Arising Out of PS. Case No.-488 Year-2021 Thana- KAHALGAON District- Bhagalpur

Bhola Pandit S/O Shiv Kumar Pandit Resident of village- Kumhar Toli,
Sahebganj, P.S.- Nagar, District- Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
		Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Learned counsel for the petitioner and learned APP for the

State are present.

Petitioner seeks regular bail in connection with

Kahalgaon P.S. case no. 488 of 2021 registered for the offences

punishable under Sections 399 and 402 of the Indian Penal Code

and Sections 25(1-b)a, 26 and 35 of the Arms Act.

Allegedly, this petitioner and co-accused persons

assembled behind a showroom and planning to commit some

offence and in the meantime, police party arrived there on getting

secret information and petitioner was arrested at the spot and from

his possession, a loaded country-made pistol was recovered and

some co-accused persons managed to escape.



The main submissions advanced by Learned Counsel Mr. Parveen Kumar appearing for the petitioner are that Cr. Misc No. 6935 of 2022 earlier filed by the petitioner for the relief of regular bail was rejected by this Court with a liberty given to the petitioner to renew his bail prayer after framing of charge and in view of the said liberty the petitioner has again filed this second miscellaneous petition for the same relief as prayed by him earlier. It is further submitted that in fact the charges had been framed upon the petitioner on 10.01.2022 and the said fact was mistakenly not brought to the knowledge of this Court at the time of passing of order in the earlier Cr. Misc petition. Further submission is that after the framing of charges, no prosecution witness has been examined till now which shows that the prosecution has a lingering attitude and the petitioner has been languishing in jail since 13.07.2021 and the witnesses of the search and seizure are police personnel.

Mr. Binod Kr. No. 3, learned APP appearing for the State has opposed the prayer for bail.

Having considered the facts that the prosecution is very slow in producing the witnesses in the trial of the petitioner and as per the above submissions, during the last eight months no prosecution witness has been examined and in the instant matter most of the important witnesses of the prosecution are official



witnesses and the petitioner has been languishing in jail since 13.07.2021, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in connection with Kahalgaon P.S. case no. 488 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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