

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.67248 of 2021**

Arising Out of PS. Case No.-237 Year-2020 Thana- KAUWAKOL District- Nawada

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Adhik Yadav, son of Chunarik Yadav, Resident of Village - Eslam Nagar, P.S.-
Chandrdip, Distt.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lall, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

3 12-01-2022 Heard Mr. Pritish Kumar Lall, learned counsel for the
petitioner and Mr. Shailendra Kumar, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail
in connection with S. Tr. No. 29/2021 arising out of Kauwakol P.S.
Case No. 237/2020 registered for the offence under Section 399,
402 of the Indian Penal Code and 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that earlier
the prayer for bail of the petitioner was rejected after noticing that
from possession of the petitioner one loaded country made Katta
with seven live cartridges were recovered and he had got criminal
antecedents including a case under Section 302 of the Indian Penal
Code. During the period he was on bail he was involved in another
case. Learned counsel has mainly submitted that the co-accused
similarly situated had been granted bail by learned coordinate
Bench of this court in Cr. Misc. No. 14971/2021. It is submitted



that from possession of the said petitioner also one automatic pistol and seven cartridges were recovered and he had also got four criminal antecedents.

Learned A.P.P. for the State however submits that the principle of parity shall not apply in the facts of the present case, in his submission the petitioner while being on bail has got involved in the present case and number of live cartridges recovered from his possession are such that it makes him disentitled for bail at this stage and when the case is fixed for evidence before the learned trial court.

This court had called for a report from the learned trial court. It appears from the trial's court report that the charges have been framed against the petitioner and the case is fixed for prosecution evidence. Summons have also been issued by the court against the prosecution witnesses, however, till date prosecution evidence has not begun. The trial court proposes to dispose of the matter likely within six months if the prosecution produces all the witnesses and the defence cooperate with the trial.

In the facts and circumstances of the present case where this petitioner has got criminal antecedents including a case under Section 302 of the Indian Penal Code and while being on bail he has got indulged in the present case in which loaded country made pistol and seven live cartridges have been recovered from him,



since the trial itself has begun and the trial court is proposing to dispose of the trial likely within six months, this court is not inclined to release the petitioner on bail at this stage.

Prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited. The trial court is expected to keep the records on shorter dates and the Superintendent of Police, Nawada shall ensure that all the summons and warrants, if any, issued against the witnesses are duly executed and the official witnesses are produced in course of trial on the date fixed in the matter.

If the trial still remains unconcluded within six months from the date of communication of this order and for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

