

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67344 of 2021

Arising Out of PS. Case No.-136 Year-2018 Thana- GURUA District- Gaya

Vinay Kumar @ Vinay Prasad, S/o Suresh Prasad @ Suresh Prasad Singh,
R/o village- Kubari, P.S.- Roushanganj, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case has renewed his prayer for bail in connection with Gurua P.S. Case No. 136 of 2018 registered for the offences punishable under Sections 413, 414 and 120(B)/34 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act. He is in custody since 27.07.2018. The petitioner has got 7 criminal antecedents as stated in paragraph '3'.

Learned counsel for the petitioner submits that as per the prosecution story on secret information that miscreants have assembled at the house of one Ramashish Yadav in the village,



the police party raided the house of Ramashish Yadav and found three persons were talking to each other with arms and as they tried to flee away, the police party caught hold of them. From possession of this petitioner, one loaded country made pistol with one live cartridge and two misfired cartridges and a mobile set were recovered.

Learned counsel for the petitioner submits that earlier while rejecting the prayer for bail of the petitioner on 25.04.2019, the learned Predecessor Bench of this Court had directed to expedite the trial and in case the trial is not concluded within nine months, the petitioner was granted liberty to renew his prayer for bail. It is submitted that again when the petitioner moved this Court, his prayer for bail was rejected vide order dated 01.02.2021 and this time an observation was given that the petitioner would be at liberty to renew his prayer for bail after framing of charges.

Learned counsel submits that the framing of charge has already taken place on 15.07.2021 which would be evident from the letter of the learned Additional District and Sessions Judge-III, Gaya which is at Flag- 'R'. It is submitted that till date not a single witness has been examined and the petitioner has remained in custody for almost four years in connection



with this case.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but on noticing the aforementioned submissions and the fact as appearing from the letter of the learned Additional District and Sessions Judge-III, Gaya, this Court finds that in this case the charge has been framed on 15.07.2021 and the summons were issued to the witnesses on 18.11.2021 but no witness turned up whereafter fresh summons have been issued through S.S.P. Gaya and the case is still fixed for evidence, the petitioner has already remained in custody for almost four years, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Gaya in connection with S.Tr. No.195/019/471/019 arising out of Gurua P.S. Case No.136 of 2018, subject to the condition 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 considering the criminal antecedents of the petitioner, this Court directs that till conclusion of the trial in the present case henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Roushanganj police station in the District of Gaya and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Roushanganj police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the office of Senior Superintendent of Police, Gaya for appropriate instruction to Roushanganj police station.

(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'.

