

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2837 of 2022

Arising Out of PS. Case No.-663 Year-2020 Thana- ARA NAWADA District- Bhojpur

Shibu @ Arjun Kumar Singh S/o Shatrughan Singh Resident of Village and
P.O. Marwatiya, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 18-01-2023 Heard learned counsel for the petitioner and Mr.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ara Nawada P.S. Case No. 663 of 2020 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act. He is in custody since 01.09.2020. He has no criminal antecedent.

Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 02.07.2021 passed in Cr. Misc. No. 2107 of 2021 with an observation that the trial be expedited.

Learned counsel for the petitioner submits that the petitioner has remained in custody for about 28 months and in case of his conviction under Section 26 at best the minimum sentence prescribed is 5 years, therefore, having spent half of the said period deserves privilege of bail.

Learned APP for the State has opposed the prayer for bail



of the petitioner stating that this Court has earlier rejected his bail after noticing the serious allegation against him as the petitioner was found in possession of 3 pistols, 24 live cartridges and 7 empty cartridges. It is submitted that from the report received from the learned trial court, it would appear that the trial is in progress, two witnesses have already been examined and the learned trial court informed this Court that the trial itself may be concluded within a period of two months.

Having regard to the facts and circumstances of the case, this Court is of the considered opinion that at this stage, in order to allow the trial to be concluded within a period of two months, the petitioner need not be released on bail.

Let the trial court conclude the trial within the aforesaid period of 2 months from the date of communication of this order. If the trial is still not concluded for no fault on the part of the petitioner, he may renew his prayer for bail in the court below itself which will be considered without being prejudice that this Court has earlier refused to grant bail to the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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