

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9219 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- SHANKARPUR District- Madhepura

Bijendra Yadav, Son of Late Siyaram Prasad Yadav, R/O Vill.- Hirolwa, P.S.-
Shankarpur, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Durgesh Kumar, Advocate
For the Opposite Party : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has renewed his prayer for regular bail in connection with Shankarpur P.S. Case No. 120 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 09.08.2021. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the Officer-Incharge of the police station got secret information that near the temple, two groups are fighting and one miscreant is having a firearm with which he is trying to fire. On this information when the police party reached there, the accused persons started fleeing away but on chase, this petitioner got apprehended on the spot and from his possession, two loaded country-made pistols/katta



and two live cartridges were recovered.

4. Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner vide order dated 17.05.2022 in Cr. Misc. No. 67854 of 2021, this Court had earlier observed that if the trial remains unconcluded for a period of six months, the petitioner will be at liberty to renew his prayer for bail. It is submitted that till 28.07.2023, only one prosecution witness has been examined, whereafter no progress has been made.

5. Learned counsel submits that the petitioner has already spent more than two years four months in judicial custody and if released on bail, he would appear before the learned trial court on the dates fixed in course of trial.

6. Learned APP for the State has though opposed the prayer for regular bail but considering the nature of accusation and the period already spent in custody and further that the trial is not likely to be concluded in near future, 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, Madhepura in connection with Shankarpur P.S. Case No. 120 of



2021, subject to the condition as laid down under Section 437
(3) Cr.P.C.

7. And further condition that the petitioner shall appear in course of trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance before the trial court shall invite action towards cancellation of the bail bond.

8. 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 steps 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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