

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26715 of 2023

Arising Out of PS. Case No.-286 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

Mithun Kumar, S/o Arjun Singh, Resident of Village- Dhumra, P.S.- Muffasil,
District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Amresh Kumar Sinha, Advocate
	Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s :	Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 286 of 2021 dated 16.10.2021 registered
for the offences punishable under Sections 25(1-B)a and 26 of
the Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner earlier preferred
Cr. Misc. No. 14367 of 2022 for the relief of regular bail which
was rejected by this bench and now he has again come for the
same relief mainly on these grounds that the trial of the
petitioner has not started till date and charges have not been
framed upon him and he has been languishing in jail since
17.10.2021. Further submissions are that most of the



prosecution witnesses including the witnesses of the seizure are police personnel and in the petitioner's trial mainly official witnesses are to be examined, so there is no chance of tampering with the witnesses by this petitioner if he is enlarged on bail.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period and also the fact that in the petitioner's case the chargesheet was filed on 22.12.2021 but till 28.04.2023 prosecution sanction was not granted to prosecute the petitioner for the alleged offences and as such the charge could not be framed upon the petitioner till date and petitioner has been languishing in jail since 17.10.2021, in view of these circumstances, in the opinion of this court, the petitioner is now entitled to be released on bail. Accordingly, let the petitioner be released on bail in connection with Muffasil P.S. Case No. 286 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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