

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31087 of 2023

Arising Out of PS. Case No.-625 Year-2021 Thana- PATLIPUTRA District- Patna

SUJEET KUMAR Son of Arjun Yadav Resident of village - Kurji More, Gate
no. 65, P.S. - Digha, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Session
Trial CaseNo. 281 of 2022 arising out of (Patliputra P.S. Case No.
625 of 2021) registered for the offences punishable under Sections
399 and 402 of the Indian Penal Code read with Sections 25(1-
B)A, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of
one loaded country made pistol and four live cartridges from the
pocket of petitioner besides Rs. 210/- and one mobile of Nokia
company.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.11.2021 and bears criminal
antecedent of two cases in which one case is of similar nature.
Charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence. He further submits that on 05.09.2022 the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 34836 of 2022 with an observation that if the trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that since the date of rejection of the bail petition of the petitioner, six months have already been lapsed but not a single witness has been examined in the said case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

A report regarding stage of trial has been called for vide order dated 10.05.2023. The trial court vide letter no. 72/2023 has sent its report which reveals that not a single witness has been examined. The aforesaid report further reveals that the delay of trial is not attributable to the present petitioner as he is in custody since 27.11.2022.

Considering the facts and circumstances of the case, period of custody, trial is not concluded within six months and



delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge – XXV, Patna in connection with Session Trial No. 281 of 2022 arising out of (Patliputra P.S. Case No. 625 of 2021), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

