

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33758 of 2022

Arising Out of PS. Case No.-2 Year-2020 Thana- HARINMAR District- Munger

SHAYAM PATEL @ SHAYAM SINGH S/o Atto Singh R/o Village- Jhauwa
Bahiyar (Dukh Tola Ward No.03), P.S.- Harinmar, Dist- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-04-2023 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 Harinmar P.S. Case No. 02/2020 registered for the offence under section 307, 353, 332, 334, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 25(1-A), 27, 27(2), 35 of the Arms Act.

Earlier the prayer for bail of the petitioner was rejected vide order dated 25.08.2021 passed in Cr. Misc. No. 30909/2021 (Annexure '1').

Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner, this Court observed that the prosecution must cooperate by producing the witnesses in this case and, in this regard the order of the learned trial court



calling upon the witnesses either through summon or warrant of arrest shall be executed by the concerned authorities expeditiously. This court further observed that despite all these, if the trial is not concluded for no reason attributable to the petitioner within a period of nine months, the petitioner may renew his prayer for bail.

Learned counsel has produced the certified copy of the order dated 12.10.2022, 20.10.2022 and further orders passed by the learned trial court from which it appears that after repeated adjournment when the witnesses did not appear, NBW was issued but execution of the same remained pending for a long time. Ultimately on 09.12.2022 prosecution witnesses no. 3 appeared in this case, thereafter on 21.12.2022 and 10.01.2023 again no witness has been produced. Learned counsel, therefore, submits that despite the order of this court if the trial is not being concluded within a reasonable period, the petitioner deserves privilege of bail.

Learned counsel for the State has though opposed the prayer for bail of the petitioner but considering that the petitioner is in custody since 28.02.2020, he has got one criminal antecedent in which he is on bail and despite the observations of this Court the prosecution has not produced the



witnesses on the date fixed in the matter and the trial has remained pending, this Court directs release of the petitioner above-named on bail on furnishing 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 District & Sessions Judge-I, Munger in connection with Harinmar P.S. Case No. 02/2020, 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.

(Rajeev Ranjan Prasad, J.)

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