

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54120 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- LAXMIPUR District- Jamui

=====

KESHAR KUMAR SON OF MAHENDRA YADAV RESIDENT OF
VILLAGE - MOHANPUR, P.S. - LAXMIPUR, DISTRICT - JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh
For the Opposite Party/s : Mr.Bhanu Pratap Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Laxmipur P.S. Case No. 118 of 2022 registered for the offences
punishable under Sections 25(1-B)a/26 of the Arms Act.

3. As per prosecution case, there is alleged
recovery of one loaded pistol from the waist of the petitioner
and after unloading the same, seven live cartridges have also
recovered. It is further alleged that from the right pocket of his
jeans, one loaded magazine of pistol has been recovered and
after unloading the same two live cartridges have also been
recovered.



4. Learned counsel for the petitioner submits that petitioner is in custody since 25.04.2022 and bears criminal antecedent of one cases which is similar to the present case and the petitioner is on bail on the said case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 46014 of 2022 on 19.01.2023 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 charge has been framed on 04.02.2023 and since then only one witness has been examined in the case which indicates that trial is going at slow pace. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 25.04.2022.

5. 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.



6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 38 dated 25.08.2023 has sent its report which reveals that till 25.08.2023 only one witness has been examined on behalf of the prosecution.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within the stipulated period of six months, 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 C.J.M., Jamui in connection with Laxmipur P.S. Case No. 118 of 2022, 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	
---	--	---	--

