

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56704 of 2022

Arising Out of PS. Case No.-118 Year-2003 Thana- GAYA KOTWALI District- Gaya

BHOMA @ NIRANJAN TIWARI Son of Late Raj Kumar Tiwari R/o Mo-
halla- Marufganj, P.S- Civil Line, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Sinha
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 15-03-2023 Heard the parties.

The petitioner renews his prayer for regular bail in connection with S.T. No. 444 / 2021 arising out of Kotwali P.S. Case No. 118 of 2003 registered for the offence under Section 25 (1-b)(a) / 26 / 35 of the Arms Act read with Section 4/5 of the Explosive Substances Act inasmuch by order dated 15.02.2022 bail application of the petitioner was rejected by this court with liberty to the petitioner to renew his prayer for bail after six months if the trial does not register any substantial progress.

Learned counsel for the petitioner submits that the petitioner was on bail and due to misuse of bail on the part of the petitioner his bail bond was cancelled and he was taken into custody on 11.09.2020 and since then he is in judicial custody. He further submits that last time a report was called for from the



trial court regarding the stage of the trial in which the trial court had given the estimated time for completion of the trial within a period of six months. Submission is that trial has not shown any progress inasmuch none of the prosecution witnesses has been examined by the prosecution.

This court *vide* its order dated 08/02/2023 called for a report regarding the present stage of the trial and in pursuance thereof learned I/c A.D.J.-XV, Civil Court, Gaya has submitted his report vide letter no. 13 dated 15/02/2023 and from perusal of the same it transpires that out of thirteen (13) charge sheet witnesses, not a single witness has been produced by the prosecution in this case.

Taking into consideration the tardy progress of the trial and the fact that petitioner is in custody since 11.09.2020 i.e. for more than 2½ year, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – XV, Gaya / concerned court in connection with S.T. No. 444 / 2021 arising out of Kotwali P.S. Case No. 118 of 2003 on condition that the peti-



tioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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