

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68810 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- DANAPUR District- Patna

Sonu Kumar Sharma @ Dillu Sharma @ Dillu Kumar S/O- Ashok Sharma @
Ashok Kumar Sharma R/O- Bhadra Ghat, P.S.- Alamganj, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Special Case No. 56 of 2021 arising out of Danapur P.S. Case No. 385 of 2021 registered for the alleged offences under Section 412 of the Indian Penal Code, Section 29(b)(ii)(B) of the N.D.P.S. Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, on getting information about three criminals roaming on a motorcycle, certain area was cordoned and on seeing the police party, all the three miscreants tried to run away, but two of them were apprehended and one of them fled away. Petitioner is one of the apprehended criminals and from his possession, a bag containing 1.650 kg of ganja, a



loaded katta and a loaded country made pistol with five live cartridges and a magazine with five live cartridges were recovered apart from mobile phone.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 02.11.2022 passed in Cr. Misc. No.2593 of 2022. While rejecting the prayer for bail, the learned trial court was directed to expedite the trial and conclude the same within a period of six months. But despite the specific direction, the trial has not been concluded and till date, none of the witnesses have been examined in this case though charges were framed. The learned counsel further submits that the petitioner is in custody since 08.06.2021 and there is no chance of conclusion of trial in near future. The learned counsel further submits that the petitioner is having criminal antecedents of 12 cases.

5. Learned A.P.P. opposes the prayer for bail of the petitioner. The learned APP submits that no fresh ground has been brought on record to consider the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and



considering the fact that the trial is still at the initial stage and there is no likelihood of its conclusion in near future and further considering the period of the custody of the petitioner, he is directed to be released on 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-IV, Patna, in connection with Special Case No.56 of 2021, arising out of Danapur P.S. Case No.385 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

