

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24106 of 2024

Arising Out of PS. Case No.-50 Year-2004 Thana- NAWANAGAR District- Buxar

Gajadhar Singh S/O Late Shyambihari Singh R/O Amrudhi Tola, P.S-
Nawanagar, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 331 of 2004 / C.I.S. No. 1452 of 2013 arising out of Nawanagar P.S. Case No. 50 of 2004 registered for the offence under Sections 302, 307 and 149 of the IPC and Section 27 of the Arms Act.

3. As per the prosecution story, it is a case of assault and indiscriminate firing upon the informant and other persons who sustained several injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is in custody since 23.01.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.



6. On perusal of FIR and impugned order dated 23.01.2024, it appears that this is a case of misuse of privilege of bail by the petitioner as the petitioner is absent from 28.01.2008 when the case was fixed for evidence and one witness, Surendra Singh, was present and the petitioner and his father were absent, as a result thereof their bail bonds were cancelled. The petitioner is absent from trial since last 16 years and his explanation of absence from trial is not satisfactory. As such, I am not inclined to grant bail to the petitioner.

7. Accordingly, this bail application stands rejected.

8. However, trial Court is directed to conclude the trial within six months from the date of receipt of copy of this order. If the trial is not concluded within six months, the petitioner may renew his prayer for bail before the trial Court and trial Court shall grant bail to the petitioner.

(Ramesh Chand Malviya, J)

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