

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39010 of 2024

Arising Out of PS. Case No.-21 Year-2003 Thana- NAVINAGAR District- Aurangabad

1. Satyendra Singh @ Satendra Singh S/o Late Nagdeo Singh R/o vill - Bairiya, P.S. - Nabinagar, Distt. - Aurangabad
2. Rampravesh Singh S/o Late Mundrika Singh R/o vill - Gajhanda, P.s. - Nabinagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-06-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The petitioners seek regular bail in connection with Sessions Trial No. 325 of 2023 arising out of Nabinagar P.S. Case No. 21 of 2003, dated 09.03.2003 registered for the offences punishable under Sections 25 (1-B), 26, 35 of the Arms Act, Section 3/4 of Explosive Substance Act and Section 17 of C.L.A. Act.

3. The prosecution case as emerges from the FIR is that the Police on receiving confidential information that some members in group had assembled in village Baluwar to commit crime, proceeded towards the village and on seeing the Police Party, eight persons including the petitioners sitting near the



heap of straw, succeeded in fleeing away and as per the statements of the villagers, the name of the accused including the petitioners emerged. On search of the heap of the straw, a large number of arms and ammunition were recovered.

4. Ld. counsel for the petitioners submits that the petitioners were on bail in Sessions Trial No. 325 of 2023 pending in the Court of Special Judge (SC/ST) -cum-Ist Addl. District & Sessions Judge, Aurangabad. However on account of non-pairvi, bail bond of the petitioner nos.1 and 2 was cancelled on 26.08.2013 and on 27.04.2022 respectively. Thereafter, they were arrested. Ld. counsel further submits that petitioner no.1, namely, Satendra Singh is in custody since 26.04.2023 whereas petitioner no.2, namely, Ramprawesh Singh is in custody since 09.05.2023. Hence, the petitioners have moved this Court for their enlargement on regular bail. Ld. counsel also submits that non-appearance of the petitioners before Ld. court below on non-doing of any *pairvi* in the case was not willful but on account of unavoidable reason. The petitioner no.1 is a poor man and he had gone to Delhi for earning his livelihood and on account of no information, there was no *pairvi* or attendance on the part of the petitioner no.1. Similarly Ld. counsel for the petitioner no.2 submits that petitioner no.2 was not given any



information for appearing in Ld. Court below. Hence, he defaulted to attend the court. Hence, Ld. counsel for the petitioners submits that taking lenient view of default of the petitioners to attend the court, they may be directed to be enlarged on bail.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal antecedent.

6. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

7. Considering the aforesaid facts and circumstances, this application is allowed restoring their bail bonds.

(Jitendra Kumar, J.)

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