

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80523 of 2023

Arising Out of PS. Case No.-243 Year-2019 Thana- SHEOHAR District- Sheohar

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BAMSHANKAR CHAUDHARY S/O LATE MAHESH CHAUDHARY
VILLAGE- AGESHI WARD NO. 07, PS. BAIRGANIA, DIST. SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
	:	Mr. Anurag Singh, Advocate
For the Opposite Party/s :	:	Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 02-02-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The petitioner renews his prayer for regular bail in connection with Sheohar PS case no. 243 of 2019 dated 28.10.2019 instituted for the offences punishable under Section 395 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that six criminals entered into UCO Bank, Sheohar and committed dacoity and looted away Rs, 32,33,760/- on the point of gun and all the criminals were wearing masks and out of six, 2-3 criminals were wearing helmets.
4. This Court had earlier rejected the bail



application of the petitioner vide order 11.05.2022, passed in Cr. Misc. no. 50975 of 2021, taking note of the fact that the petitioner is the active member of the gang indulged in dacoity and used to dispose the looted amount through HAWALA and has got 14-15 criminal antecedents.

5. The petitioner preferred Special Leave Petition before the Hon'ble Supreme Court bearing S.L.P. (Crl.) no. 7229 of 2022 against the abovementioned order of this Court but the same was dismissed as withdrawn. Petitioner again approached this Court renewing his prayer for bail in Cr. Misc. no. 7793 of 2023 and this Court, vide order dated 22.03.2023, again dismissed the bail application of the petitioner on the ground that there was no change in circumstances, the S.L.P. preferred by the petitioner also got dismissed and the petitioner has got 14-15 criminal antecedents, however, liberty was granted to the petitioner to renew his prayer for bail after 02 years from the 22.03.2023, if trial is not concluded.

6. The order dated 22.03.2023 was again challenged by the petitioner before the Hon'ble Supreme Court in S.L.P. (Crl.) no. 8032 of 2023 but the said Special Leave Petition was dismissed vide order dated 21.07.2023 and the Hon'ble



Supreme Court declined to release the petitioner on bail, however set aside the condition imposed by the this Court that the petitioner can renew his prayer for bail after two years and gave liberty to the petitioner to approach the trial court for grant of bail in the event of any change in circumstances and/or if there is no substantial progress in the trial.

7. Mr. Ajay Kr. Thakur, learned counsel for the petitioner submits that in terms of the abovementioned order of Hon'ble Supreme Court, the petitioner again preferred bail application before the trial court and the learned trial court, after taking note of the fact that the trial is progressing and the witnesses are being examined and the fact that the petitioner is having criminal antecedents of 14-15 cases, rejected the bail application of the petitioner vide order 12.09.2023, passed in Sessions Trial no. 11 of 2020. He further submits that after 16.07.2022, no witness has been examined by the prosecution and out of 07 witnesses, only three witnesses have been examined which would be evident from the Annexure 4 i.e. the order sheets.

8. This Court, vide order dated 15.12.2023, called for a report from learned court of Additional District & Sessions Judge I-cum- Special Judge, Sheohar regarding the



present stage of trial and in pursuance thereof, the learned trial court has furnished the report dated 05.01.2024. From perusal of the report, it appears that out of seven prosecution witnesses, only 03 have been examined and learned trial court has given six months' estimated time for conclusion of the trial.

9. Having heard learned counsel for the parties and taking note of the fact that bail applications of the petitioner were dismissed by this Court and Hon'ble Supreme Court earlier and the learned Trial Court while rejecting the bail application of the petitioner arrived at the finding that trial is progressing and allegation against the petitioner is serious in nature, however, the Trial Court has given estimated time of six months for conclusion of trial, accordingly, I am not inclined to grant bail to the petitioner at this stage, however, if the trial is not concluded within six months, the petitioner may renew his prayer for bail thereafter.

(Anil Kumar Sinha, J)

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