

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20319 of 2025

Arising Out of PS. Case No.-360 Year-2023 Thana- CHHATAUNI District- East Champaran

Deva @ Dev Kumar @ Deva Kumar @ Dev Kumar Sah S/O Lalababu Sah
R/O Village- Mathiyadih, Ward No. 6, P.S- Chhatauni, Distt.- East
Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 02-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for an
offence punishable under Sections 120 B and 25(1-B)a/26/35 of
Arms Act.

3. As per allegation in the FIR, there is a recovery of
country made gun, two live cartridges and two mobile phones.

4. Earlier the prayer for bail of this petitioner was
rejected by this Court vide order dated 12.02.2024 passed in Cr.
Misc. No.61498 of 2023 with a direction to the learned Trial
Court to conclude the trial within a period of one year and the
petitioner shall be at liberty to renew his prayer after one year.

5. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in this
case. Petitioner is in custody since 30.07.2023. He further
submits that nothing has been recovered from the possession of



the petitioner. He next submits that vide earlier order dated 12.02.2024 passed in Cr. Misc. No.61498 of 2023, this Court has directed to the learned Trial Court to conclude the trial within one year but till date the trial is not concluded. He further submits that petitioner has got nine criminal antecedents but fairly submits that he is on bail in all the cases as stated in para-3 of the bail petition.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. From perusal of the First Information Report, report regarding stage of trial and impugned order dated 17.02.2025, it appears that vide letter no.164 dated 26.04.2025, learned District & Additional Sessions Judge-22nd, East Champaran, Motihari has stated that the case is fixed for evidence of prosecution and out of total six witnesses only two witnesses (i.e. informant and I.O) have been examined and rest four witnesses have been not turned up before the Court as yet and NBW was also issued against them. So, considering the aforesaid facts and circumstances of the case, submission of the learned counsel for the petitioner, report regarding stage of trial as well as the fact petitioner is in custody for more than one year, let the above named petitioner be released on bail, on his



furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned 22nd Additional Sessions Judge, East Champaran, Motihari, in connection with Sessions Trial No.110 of 2024 arising out of Chhatauni P.S. Case No.360 of 2023 with a condition that the petitioner shall remain physically present before the Trial Court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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