

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48419 of 2025

Arising Out of PS. Case No.-336 Year-2020 Thana- NAGAR District- Vaishali

Chandan Kumar Singh @ Chandan Singh S/O Late Lalan Singh R/O Vill.-
Rambhadra, P.S.- Town Hajipur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Sr. Adv
	:	Mr. Rudal Singh, Adv
	:	Mr. Divyam Kumar, Adv
	:	Mr. Lal Singh, Adv
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 336 of 2020 in S.T. No. 634 of 2023
registered for the offences under Sections 399 and 402 of the IPC
and Sections 25(1-b)a, 25(1)(a), 26, 29(B), 30 and 35 of the
Arms Act.

3. The petitioner is named in the F.I.R. and is in custody
since 23.05.2022.

4. The allegation against the petitioner is to involve in
preparation of dacoity along with other co-accused persons and
upon police raid out of secret information a number of firearms
including empty and live cartridges were alleged to be recovered



from the house of the petitioner.

5. At the outset, it is submitted that prayer of bail of petitioner was rejected for the first time on the ground of available merits through Cr. Misc. No. 62254 of 2022 dated 02.03.2023. It is also pointed out that one of the main reason for rejecting bail on earlier occasion was petitioner's criminal antecedents as he found involved in 18 more criminal cases, where he is on bail and present bail petitioner ion on the sole ground of custody period.

6. Learned senior counsel appearing on behalf of the petitioner submitted that this is fourth successive prayer of bail of petitioner and while rejecting the third successive bail on last occasion through Cr. Misc. No. 69471 of 2024 dated 10.01.2025, it was observed by this Court that trial of this case may likely be concluded within four to five months. It is pointed out that till now only single prosecution witness was examined. It is submitted that petitioner cannot be kept behind bars for indefinite period of time in want of trial. There is no delay on the part of accused/petitioner. It is submitted that such unreasonable delay on behalf of prosecution for trial is only amounting to violation of fundamental right of the petitioner under Article 21 of the Constitution of India, *qua* speedy trial. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available



through **Hussainara Khatoun & Ors Vs. Home Secretary, State of Bihar, [1980 (1) SCC 98]**. While concluding the argument it is submitted that present bail petition is on the sole ground of custody and slow progress of the trial.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed aforesaid custody period.

8. A report was also called for from the learned Trial Court regarding progress of trial, which was made available to this Court through Letter No. 198 dated 13.08.2025, which categorically speaks that out of 7 charge-sheeted witnesses only one witness has been produced by the prosecution as of now. It also transpires from said report that till now prosecution has not produced rest 6 witnesses and there is nothing from which it can be gathered that delay in trial was caused by this petitioner.

9. In view of aforesaid factual submission and by taking note of fact as petitioner remains in custody since 23.05.2022 i.e., almost three years and five months, where till now only one prosecution witness appears examined suggesting prima-facie that trial of this case is not likely to conclude in the near future, which appears in violation of fundamental right of petitioner *qua* speedy trial, accordingly above named petitioner, is directed to be released



on bail in connection with Hajipur Town P.S. Case No. 336 of 2020
in S.T. No. 634 of 2023 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount each
to the satisfaction of learned Additional Sessions Judge-II, Vaishali
at Hajipur/concerned court, subject to the conditions as mentioned
under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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