

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74083 of 2023

Arising Out of PS. Case No.-139 Year-2020 Thana- KHAJEKALA District- Patna

MD. CHAND MD. HASNAIN RESIDENT OF MOHALLA- SHISHE KA
SIPAL, NOON KA CHAURAH, P.S KHAJEKALAN, DISTRICT PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner and learned APP for
the State.

2. This is the second attempt of the petitioner to obtain bail in connection with Sessions Trial No.829 of 2023, arising out of Khajekalan P.S. Case No.139 of 2020, registered for the offences under Sections 302, 188, 269, 270, 271, 34 of IPC and Section 27 of Arms Act.

3. Earlier the prayer for bail of the petitioner was rejected by this Court vide order dated 16.02.2022 in Cr. Misc. No.37974/2021.

4. The allegation against the petitioner is that he and his brother had fired from pistol and in the second instance this petitioner fired at the brother of the informant when he was standing at the roof of his house and the shot hit him on his head.

5. It is submitted by the learned counsel for the petitioner that



the petitioner is in jail since 25.04.2020, therefore, he has remained in incarceration for almost five years and has two criminal antecedents.

6. It is submitted that the charge has been framed in this case on 07.05.2024 but during all this period only one prosecution witness has been examined who is not an eye witness to the occurrence. It is submitted that the trial is not likely to be concluded in near future.

7. It is further submitted that long incarceration of the petitioner in jail without trial is violation of the fundamental rights under Article 21 of the Constitution of India and this Court being a constitutional Court may not remain oblivious of this fact.

8. It is submitted that the petitioner would undertake to abide by such terms and conditions as being imposed by this Court.

9. Having regard to the facts and circumstances of this case and the period of incarceration of the petitioner being almost five years in custody but there is no hope of conclusion of trial in near future, this Court directs to release the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, II Patna City, Patna in connection with Khajekalan P.S. Case No.139 of 2020,



subject to the condition as laid down under Section 480(3) of
Bhartiya Nagarik Suraksha Sanhita, 2023.

10. And further condition that during the ongoing trial, the
petitioner shall not be absent on the date fixed in the Trial Court.
Two consecutive absence for no cogent reason shall lead to
cancellation of bail of the petitioner. The petitioner shall also keep
on marking his presence in the local police station once in every
month.

11. And further condition that the court below shall verify the
criminal antecedent of the petitioner and in case at any stage, it is
found that the petitioner has concealed his criminal antecedent, the
court below shall take steps for cancellation of bail bond of the
petitioner. However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of or in
the name of verification.

12. This application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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