

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81138 of 2025

Arising Out of PS. Case No.-445 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

Ghanshyam Bhagat @ Shayam Bahadur Kumar @ Shyam Bhagat S/o
Rameshwar Bhagat @ Parmeshar Bhagat R/V - Thathan Buzurg, PS- Hajipur,
Sadar, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the State : Mr. Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt on behalf of the petitioner for grant of bail in connection with Hajipur Sadar P.S. Case No. 445 of 2013 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 17 of the C.L.A. Act and Section 13 of the U.A.P.A. Act.

3. Earlier the bail applications of the petitioner were rejected twice vide orders dated 30.08.2023 and 02.08.2024 passed in Cr. Misc. Nos. 31730 of 2023 and 51030 of 2024 respectively.

4. The following order was passed on 02.08.2024 in Cr. Misc. No. 51030 of 2024 which reads as under:



“Heard learned counsel for the petitioner and learned APP for the State.

2. This is the second attempt for bail of the petitioner as earlier such prayer was rejected by order dated 13.12.2023 in Cr. Misc. No. 66927 of 2023.

3. The petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 445 of 2013 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 17 of the C.L.A. Act and Section 13 of the U.A.P.A. Act.

4. The following order was passed on 13.12.2023 in Cr. Misc. No. 66927 of 2023 which reads as under:

“ Heard the learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in a case registered for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act and under Section 17 of the C.L.A. Act and under Section 13 of the U.A.P.A.

3. As per the prosecution case, one Lakhindra Paswas was arrested by the police on 29.12.2013 in the midnight. Lakhindra Paswan confessed that he is a naxal and fire arms were kept in his house.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 02.08.2023, he is quite innocent and has not committed any offence.

5. Learned A.P.P. has vehemently opposed the prayer for bail and has submitted that there was huge recovery from Lakhindra Paswan. Petitioner and others were named by Lakhindra Paswan as fellow naxals. Petitioner has been arrested on 02.08.2023.

6. Petitioner is a naxal and was an absconder, in these



circumstances, I am not inclined to grant bail to the petitioner. This application is dismissed.

7. The Court below is directed to expedite the trial of the petitioner.”

5. This Court finds no ground to review its earlier order dated 13.12.2023.

6. Accordingly, this application stands dismissed.”

5. Learned counsel for the petitioner submits that since the trial has been delayed and considering the custody, the petitioner may be granted bail.

6. Learned counsel for the State has submitted that the trial has started and the witnesses have been directed to appear.

7. Considering the gravity of the offence and the fact that the trial has started, I am not inclined to review my earlier order.

8. Accordingly, the application stands dismissed.

9. The trial Court is directed to expedite the trial.

(Sandeep Kumar, J)

P. Kumar

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