

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40273 of 2020**

Arising Out of PS. Case No.-214 Year-2020 Thana- NAWADA District- Nawada

PENTAR PASWAN Son of Chhotlal Paswan @ Chhotan Paswan Resident of
Village- Ghostama, P.S.- Silao, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 31-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Indu Kumari Srivastava, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Nawada P.S. Case No. 214 of 2020 for the offences registered under Section 307, 353 of the IPC and 25(1-B)A, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that although there are allegations that this petitioner had fired four rounds on the police party and was trying to flee away from the spot where dacoity was being committed, in course of firing the barrel of his pistol got busted and thereafter he was caught, the fact is that the petitioner has

remained in custody in connection with this case since 6.3.2020, thus he deserves privilege of bail.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner has been arrested from the place of the occurrence where dacoity was being committed and when police party reached on information this petitioner fired at least four rounds on the police party and did not surrender on asking by police, it is only when his pistol got bursted he was arrested by police on the spot and from his possession country made pistol and one cartridge which had remained inside the barrel and further from the pocket of his pants one ear tops and one broken silver chain were recovered.

Considering the facts and circumstances of the case, wherein this Court has noticed that the petitioner has got two criminal antecedents, the first case is of the year 2014 under Arms Act and Section 414 IPC in which he is on bail and while being on bail he indulged in the alleged act of commission of dacoity, he fired four rounds from his pistol on the police party and then he was arrested, from his possession the pistol and other articles have been recovered, this Court is not inclined to release this petitioner on bail at this stage. Let the trial be expedited.

The trial court shall proceed with the trial as early as possible and all efforts be made to conclude the trial preferably within a period of one year from the date of communication of this

order, prosecution must cooperate in early conclusion of trial.

If the trial remains unconcluded for no reasons attributable to the petitioner, he may renew his prayer for bail.

Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SONALI/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.