

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8851 of 2017

Arising Out of PS.Case No. -344 Year- 2015 Thana -TEKARI District- GAYA

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Shankar Mistri @ Shivshankar Sharma @ Sheo Shankar Sharma S/o
Basmddeo Misri @ Vishundeo Sharma resident of Village - Malsari, P.S. -
Tekari, District - Gaya. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 01-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew his prayer of bail, which was earlier rejected vide order dated 12.04.2016 passed in Cr. Misc. No. 9992 of 2016, on the ground that similarly situated co-accused Madan Yadav and Wakil Saw have been allowed bail by the different Benches of this Court and the petitioner is suffering in custody since 20.08.2015. During investigation Prince Kumar one of the son of the deceased Sanjay has been examined under Section 164 Cr.P.C. and he has stated that Munnua and Chhotua shot the father and uncle and as such the petitioner being not assailant deserves sympathetic consideration. The case of Munna Kumar Yadav is on differing footing as he has shot the uncle of Prince Kumar. It is also submitted that the trial is not likely to be concluded in near future and there is no chance of tampering with prosecution evidence.



Learned APP fairly submits that similarly situated co-accused have been allowed bail vide Cr. Misc. No. 49373 of 2016 by order dated 24.01.2017 and vide Cr. Misc. No.32650 of 2016 by order dated 23.09.2016.

In the facts and circumstances stated above, considering the statement of one of the son of the deceased recorded under Section 164 Cr.P.C. and further considering that similarly situated co-accused have been allowed bail by another co-ordinate Benches of this Court, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IV, Gaya in S. Tr. No. 12/2016/73/2016 arising out of Tekari P.S. Case No. 344 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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