

Arising Out of PS.Case No. -165 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

Arising Out of PS.Case No. -165 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

.... Petitioner/s

1. The State of Bihar.

.... Opposite Party/s

For the Petitioner/s : Mr.Ramakant Sharma, Sr.Adv

: Mr. Ajay Mukherjee, Adv

For the Opposite Party/s : Mr. Sunil Kumar Pandey, Adv

For the Informant : Mr.Rana Pratap Singh, Adv.

: Mr.Sanjay Kumar Jha, Adv.

3 16-05-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 302, 506 of the Indian Penal Code and Section 27 of Arms Act.

According to FIR, co-accused Parsuram Yadav and co-accused-Bikash Yadav fired at deceased-Upendra Mandal, causing firearm injury. When the people started assembling after hearing the sound of fire, this petitioner also caused firearm injury to the deceased. The Doctor has found three firearm wound of entry on the person of the deceased and considering the aforesaid facts, this Court refused prayer for bail to the petitioner vide Annexure-



1 on 22.06.2017 with direction to the learned Trial Judge to conclude the trial within nine months from the date of communication of the order with liberty to the petitioner to the renew prayer, if the trial is not concluded in the meantime.

Submission of the learned counsel for the petitioner is that report of the learned Trial Judge is available on the record which would reveal that due to non-appearance of all the prosecution witnesses, the trial is still lingering after examination of only five witnesses. He further submits that the petitioner is in custody since 06.12.2016 which has wrongly been recorded as 09.11.2016 in the order dated 22.06.2017 at Annexure-1. He further submits that co-accused Bikash Yadav has already been allowed bail by a Coordinate Bench of this Court in Cr.Misc.No.40640 of 2017 and case of the petitioner is at least on similar footing to that of co-accused-Bikash Yadav.

Learned counsel for the informant opposed the prayer for bail on the ground of seriousness of allegation against the petitioner.

Considering the period already undergone by the petitioner as well as the fact that case of the petitioner is at least on similar footing to that of co-accused- Bikash Yadav, let the petitioner, above named, be released on bail



on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.T.No.181 of 2017 (arising out of Shambhuganj Police Station Case No.165 of 2016), subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Nitesh/-

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

