

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18932 of 2020**

Arising Out of PS. Case No.-150 Year-2013 Thana- SHAMBHUGANJ District- Banka

1. SHANKAR YADAV S/o Bishundeo Yadav R/o village- Manjhgay, P.S.- Shambhuganj, District- Banka
2. Tiro Yadav S/o Bishundeo Yadav R/o village- Manjhgay, P.S.- Shambhuganj, District- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chaudhary Prem Kumar Thakur, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

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

2 09-06-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioners and Mr. Ram Bilas Roy Raman, learned APP for the State.

There are two petitioners in the present case who are seeking regular bail in connection with Shambhuganj P.S. Case No. 150 of 2013 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 302, 120B of the Indian Penal Cod eand Section 27 of the Arms Act.

Learned counsel for the petitioners submits that in the first information report the allegation is that the petitioner no. 1 had caught hold of the son of the informant who was shot dead by



co-accused Pankaj Yadav.

Learned counsel submits that so far as petitioner no. 2 is concerned, although he is named in the FIR but there is no allegation of commission of any overt act against him. It is submitted that the petitioner no. 1 has criminal antecedent as he is involved in three other cases as mentioned in paragraph '3' of the present application in which he is on bail, however, petitioner no. 2 has got clean antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners. It is submitted that this case was registered in the year 2013, however, the petitioners have been remanded into custody in this case on 08.03.2019.

Learned APP further submits that so far as petitioner no. 1 is concerned, he seems to have actively participated in the occurrence, has got criminal antecedent as well in the cases registered against him in the year 2002 and 2003 both under Section 302 IPC and Section 27 of the Arms Act and pendency of these cases for such a long time as also further involvement of petitioner no. 1 in the present case are the factors which should be taken into consideration by this Court.

Learned APP, however, admits that so far as petitioner no. 2 is concerned, there is no specific allegation against him, he has no criminal antecedent and he has remained in custody for



over fifteen months.

Considering the facts and circumstances of the case and taking note of the fact that the petitioner no. 1 has got criminal antecedent and cases under Section 302 IPC are pending against him since 2002 and 2003 and in the present case he has been taken into custody after six years, this Court is not inclined to grant regular bail to petitioner no. 1. His prayer for bail is, thus, rejected.

So far as petitioner no. 2 is concerned, in view of the submissions that there is no specific allegation against him, has no criminal antecedent and has remained in custody for over fifteen months, let petitioner no. 2 above named be released on bail in S. T. No. 111 of 2019 arising out of Shambhuganj P.S. Case No. 150 of 2013 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge III, Banka, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly,



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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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'.

