

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24299 of 2020**

Arising Out of PS. Case No.-125 Year-2017 Thana- GOPALPUR District- Bhagalpur

Shambhu Kumar @ Shambhu Knwar @ Shambhu Kumar @ Shambhu
Kunwar Son of Ramesh Kumar @ Ramesh Kunwar Resident of Village-
Saidpur, P.S-Gopalpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.P.K.Shahi, Sr.Adv.
Mr. Vipin Kumar
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 09-11-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

This is the 2nd attempt for grant of bail on behalf of
petitioner, who is in custody since 03-07-2017, in S. Tr. No. 896
of 2017, arising out of Gopalpur P.S. Case No. 125 of 2017,
registered for the offence under Sections 302, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Earlier, vide order dated 09-08-2019 passed in Cr.
Misc. No. 35272 of 2019, the prayer for bail of petitioner was
rejected with direction to the court below to expedite the trial. In
this regard, earlier vide order dated 24-09-2020, a report was
called for from the court below regarding stage of the trial,
which has been received and kept at flag 'A'. From perusal of



report, contained in letter no. 48 dated 30-09-2020, it appears that despite issuance of repeated summons, no any witness has been examined by the prosecution.

It is submitted on behalf of petitioner that petitioner is in languishing in jail since 03-07-2017 and there is no adequate progress in trial. It is further submitted that other co-accused persons have already been granted bail by this Court, vide Annexure 4 and 5 respectively and co-accused Jitendra Kumar Gautam, against whom there was specific allegation of firing, has already been granted bail by the court below itself and as such, petitioner may also be released on bail.

Considering the aforesaid facts and circumstances as well as the fact that other co-accused have already been granted bail including co-accused Jitendra Kumar Gautam, against whom there was specific allegation of firing, and period of custody of petitioner, the bail application of petitioner is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd Naugachia, District Bhagalpur, in connection with S. Tr. No. 896 of 2017, arising



out of Gopalpur P.S. Case No. 125 of 2017 on the following
conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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