

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25637 of 2020

Arising Out of PS. Case No.-36 Year-2014 Thana- KHAGARIA District- Khagaria

Shital Yadav aged about 40 years (M) Son of Lagina Yadav @ Nagina Yadav
@ Ramnagina Yadav resident of Village Mathar, P.S. Muffasil District
Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath

For the Opposite Party/s : Mr. Binod Kumar No. II

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-11-2020 Heard Mr. Paras Nath, learned counsel for the
petitioner and Mr. Binod Kumar No. II, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with SC.
Case No. 156 of 2018 arising out of Khagaria (Muffasil) P.S.
Case No. 36 of 2014 registered for the offence under Section
147, 148, 149, 302, 427, 504 /34 of the I.P.C. and Section 27 of
the Arms Act.

This is third attempt for bail on behalf of the
petitioner inasmuch as on earlier occasions the bail applications
of the petitioner have been rejected vide order dated 23.01.2018
and 10.12.2018 passed in Cr. Misc. No. 42471 of 2017 & Cr.
Misc. No. 71625 of 2018 respectively.



The allegation as per the First Information Report is that the petitioner along with other accused persons fired on the thigh of the deceased leading to his death.

This court while rejecting the earlier bail applications of the petitioner vide its order dated 10.12.2018 had directed the trial court to expedite the trial and conclude the same as soon as possible even by conducting the same on day to day basis. This court had called for a report vide order dated 28.09.2020 regarding the stage of the trial and the same has been furnished by learned Additional Sessions Judge -V, Khagaria and from perusal of the same it would be evident that out of 13 witnesses only three witnesses have been examined and the trial is likely to be concluded within 01 year. The petitioner is in custody since 16.05.2017 i.e. for more than 3 ½ years.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that even after the direction of this court to conduct the trial on day to day basis the same is still pending and petitioner is in custody for more than 3 ½ years, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/-



(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned F.T.C.-1, Khagaria in connection with Sc. Case No. 156 of 2018 arising out of Khagaria (Muffasil) P.S. Case No. 36 of 2014 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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