

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81783 of 2019

Arising Out of PS. Case No.-69 Year-2016 Thana- PARBATTI District- Khagaria

PASHUPATI YADAV Son of Late Shivnandan Yadav @ Shivnandan Prasad
Resident of Village - Salarpur, P.S.- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha No.I
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-06-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Chandra Bhushan Prasad, the learned APP for the State.

The present petition is by way of 2nd attempt at the behest of the petitioner for grant of regular bail inasmuch as the earlier bail petition filed by the petitioner for grant of regular bail was dismissed by this Court by an order dated 09.01.2019 passed in Cr. Misc. No. 69112 of 2018 in connection with Parbatta P.S. Case No. 69 of 2016 for the offence punishable under Sections 307/34 and other allied sections of the Indian Penal Code, however, with liberty to the petitioner to renew his prayer for bail



immediately after completion of nine months.

The allegation as per the informant is that the petitioner had fired gun shot on the leg of the father of the informant resulting in him receiving gun shot injury.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case as also a bare perusal of the injury report would show that superficial injuries are there in leg of the father of the informant and there is no allegation of having fired gun shot on the vital organs/ part of the father of the informant as far as the petitioner is concerned. It is further submitted that the petitioner is languishing in custody since 14.11.2017 and though charges have been framed long back, however, not a single witness has been examined till day, hence there is no likelihood of completion of trial in near future.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the observations of this Court in its earlier order dated 09.01.2019 whereby and whereunder liberty was granted to the petitioner to renew his prayer for bail after 9 months as also taking into account the fact that there is no



progress in trial and the petitioner is languishing in custody since two and half years, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Khagaria in Sessions Trial No. 41 of 2019 arising out of Parbatta P.S. Case No. 69 of 2016, G.R. No. 748 of 2016.

It is needless to state that the petitioner shall mark his attendance before the learned court below on each and every date so fixed by the learned court below and in event of two consecutive defaults, the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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