

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56952 of 2021

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

SHANKAR YADAV Son of Bishundeo Yadav Resident of Village- Manjhgay,
P.S.- Shambhuganj, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prahalad Kumar Bhagat, Advocate
For the Opposite Party/s : Mr.Damodar Pd. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner and Mr.
Damodar Prasad Tiwary, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with Shambhuganj P.S. Case No. 150 of 2013 registered for the offence under Sections 147, 148, 149, 341, 342, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act. He is in custody in connection with this case since 08.03.2019.

As per the prosecution story, on 19.09.2013 at about 7:30 P.M. Aman Kumar @ Tipu Yadav husband of the informant had gone to buy biscuit for children and after some time the informant heard the sound of bullet and rushed towards her husband and found that the accused Shankar Yadav holding the deceased and Pankaj Yadav shot one bullet at the deceased. The informant further alleged that when she and the mother of the



deceased reached at the spot the accused persons fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and there is general and omnibus allegation against him.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the report received from the learned trial court as contained in letter no. 44 dated 25th November, 2021 as also the report of the Superintendent of Police, Banka as contained in memo no. 118 dated 13th December, 2021 and taking note of the fact that petitioner is in custody since 08.03.2019, this court directs that in case the trial is not concluded within the required period of six months in terms of letter no. 44 dated 25th November, 2021 of the learned trial court and for no reason attributable to the petitioner, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. - 2nd, Banka in connection with Shambhuganj P.S. Case No. 150 of 2013, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

