

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36743 of 2022

Arising Out of PS. Case No.-141 Year-2020 Thana- BAKHTIYARPUR District- Patna

SHAMBHU YADAV SON OF AWADHESH YADAV Resident of Village-
Misi, Police Station-Bakhtiyarpur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-08-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the petitioner is said to have fired from pistol on the informant causing firearm injuries.

It is submitted by learned counsel for the petitioner that the prayer for bail of the petitioner was rejected vide order dated 10.12.2021 (Annexure-1) giving direction to the learned trial court to expedite the trial and further giving liberty to the petitioner to renew his prayer for bail after six months, if there is no progress in the trial in the learned court below. It is submitted that there is no progress in the trial, the petitioner is in custody since 14.9.2020 and undertakes to cooperate in the trial.



A report was called for from the learned trial court.
As per the report received contained in letter dated 10.8.2022 of the learned Additional District and Sessions Judge V, Barh, charge was framed in the learned court below on 4.3.2021, however no witness has turned up for examination and bailable warrants have been issued for appearance of the witnesses.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner having remained in custody since 14.9.2020, the liberty granted by the aforesaid order dated 10.12.2021 and no witness having turned up on behalf of the prosecution for examination in the trial inspite of bailable warrants having been issued for their appearance, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.400 of 2020 (arising out of Bakhtiyarpur P.S. Case no.141 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge V, Barh, Patna.

(Partha Sarthy, J)

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