

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41882 of 2022

Arising Out of PS. Case No.-21 Year-2020 Thana- KORHA District- Katihar

Sunil Yadav @ Sunil Kumar Yadav Son of Late Jai Narayan Yadav R/O-
Satkoriya, P.S.- K. Nagar, Maranga, Distt.- Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Korha
P.S Case No. 21 of 2020 registered for the offences punishable
under Sections 353 and 307/34 of the Indian Penal Code and 27
of the Arms Act.

As per the prosecution, the informant along with other
police personnel reached the alleged place of occurrence, upon
seeing the police this petitioner and the co-accused Shankar
Mehta @ Tikiya started to flee and opened fire at the police
personnel and fled away into the maize field and from the said



alleged field two empty cartridges, one live cartridge and a Pulsar motorcycle were recovered.

The main submissions advanced by learned counsel Mr. Sanjeev Kumar Singh appearing for the petitioner are that there is no specific allegation against the petitioner and no incriminating article was recovered from the possession of this petitioner and the petitioner has been languishing in jail since 29.08.2020 in the present matter and he has got bail in all the cases lodged against him and shown as his criminal antecedents in para 3 of the petition and he has got bail in these cases after filing of the instant case and in the present matter the concerned court has framed charge against the petitioner and the case of the petitioner is under trial and no progress has been made in his trial.

Learned APP Mr. Nand Kishore Prasad appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. Though the petitioner has criminal antecedent of five cases as mentioned in his petition, however as per the above submission he has got bail in all the said cases, in the instant matter the petitioner has been languishing in jail since 29.08.2020 and his case is under trial and as per the statement made in para 12 of



his petition no progress has been made in the trial of the petitioner after framing of the charge. Considering these facts and mainly taking into account the custody period of the petitioner, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III, Katihar in connection with Korha P.S Case No. 21 of 2020.

(Shailendra Singh, J)

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