

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13921 of 2023

Arising Out of PS. Case No.-996 Year-2020 Thana- ARA NAWADA District- Bhojpur

MANISH YADAV @ MANISH KUMAR Son of Shashi Lal Resident of
Mohalla- Moti Tola, Ara, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 26-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in connection with Ara Nawada, P. S. Case No. 996 of 2020, registered for the offence punishable under Sections 341, 342, 323, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Two persons including the petitioner have allegedly fired upon the informant and his friend, namely, Pankaj Kumar. The informant has sustained firearm injury on his chest and arm.

4. Learned counsel for the petitioner submits that the petitioner's prayer for bail was earlier rejected on 20.04.2022 (Annexure-1). The prayer is renewed on the ground of the period of custody, which by now since 20.02.2021, is nearly two and a half years. The submission is that the injury sustained by



the victim cannot be traced to the petitioner, even as per prosecution case, which does not specify, which part of the body the petitioner has fired upon. The Court had considered the prayer on merits and, therefore, is not inclined to reconsider or re-appreciate the submission on merits. Report was, thus, called for from the Trial Court. From the report dated 16.05.2023, it is obvious that till date not a single witness has yet been examined at the trial.

5. Learned APP for the State has opposed the prayer for bail.

6. Consider the rival submissions advanced by the parties, period of custody and the fact that the trial has not progressed at all, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

7. Let the petitioner, above named, 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 the learned C.J.M, Bhojpur at Ara, in connection with Ara Nawada, P.S. Case No. 996 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

8. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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