

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18836 of 2022**

Arising Out of PS. Case No.-83 Year-2013 Thana- GHOGHARDIHA District- Madhubani

Shaukin Yadav @ Sokin Yadav Son Of Chedi Yadav Resident Of Village-
Tengaraha, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Narsingh Tanti

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

7 19-09-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

Earlier the prayer for bail of the petitioner was
rejected vide order dated 25.03.2021 passed in Cr.
Misc. No. 26181 of 2020.

It is alleged that while the brother of the
informant was coming from his motorcycle, the
miscreants fired from their pistol, as a result of which he



sustained gunshot injuries and died. The petitioner was posted as Panchayat Secretary in a Block.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up only on the basis of suspicion. During investigation, no cogent material evidence has been collected against the petitioner to connect him with the present case. Moreover, similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide order dated 05.09.2016 passed in Cr. Misc. No. 29512 of 2016. The petitioner is languishing in custody since 20.03.2020.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that during investigation the involvement of the petitioner in the murder of the brother of the informant was found and the independent



witnesses in different paragraphs of the case diary have supported the case of the prosecution as against the petitioner.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received and it has been kept at Flag-R. The report of learned Additional Sessions Judge-III, Jhanjharpur dated 20.05.2023 suggests that the trial is posted for hearing on the point of charge which further suggests that trial is not likely to be concluded in near future.

Considering the fact that F.I.R has been registered against unknown and other similarly situated co-accused persons have been granted the privilege of bail and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Jhanjharpur in connection with Ghoghardiha P.S. Case No. 83 of 2013



(Sessions Trial No. 142 of 2016) subject to the condition
that

(i) petitioner shall cooperate in the trial and be
present on each and every date fixed and absence of the
petitioner on two consecutive occasions will give liberty
to the Court below to cancel his bail bonds.

(ii) If the petitioner tampers with the evidence
or threatens the witnesses, in that case, the prosecution
will be at liberty to move for cancellation of bail of the
petitioner.

(iii) In case the petitioner repeats the offence of
similar nature after enlargement on bail, his bail bonds
will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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