

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28444 of 2023

Arising Out of PS. Case No.-165 Year-2016 Thana- SHAMBHUGANJ District- Banka

PARSURAM YADAV S/O LATE BHUDEO YADAV R/O Village- Ghoshpur,
P.S- Shambhuganj, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR POLICE STATION SHAMBHUGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Session Trial No. 196 of 2023 arising out of Shambhuganj P.S. Case No. 165 of 2016 registered for the offences punishable under Sections 147, 148, 149, 302 and 506 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

As per prosecution case, the allegation against the petitioner is that he alongwith other co-accused fired upon the informant's brother due to which he sustained gunshot injury and died on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 27.06.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there



is no likelihood of tampering with the prosecution evidence. He further submits that on 17.10.2022 the bail prayer of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 70798 of 2021. He further submits that since the date of rejection of the bail prayer of the petitioner, eight months have already been lapsed but not a single witness has been examined in the said case. He further submits that on similar allegation co-accused Bikash Yadav has already been granted bail vide Cr. Misc. No. 40640 of 2017 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner but that on similar allegation co-accused has already been granted bail.

A report regarding stage of trial has been called for vide order dated 26.04.2023. The trial court vide letter no. 63 dated 03.05.2023 has sent its report which reveals that charge has already been framed but not a single witness has been examined. The aforesaid report further reveals that the delay of trial is not attributable to the present petitioner as he is in custody since 27.06.2021.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, delay of trial is not attributable to the petitioner, argument



advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – I, Banka in connection with Session Trial No. 196 of 2023 arising out of Shambhuganj P.S. Case No. 165 of 2016, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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