

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44265 of 2023

Arising Out of PS. Case No.-343 Year-2019 Thana- SAHPUR District- Bhojpur

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VINOD YADAV @ RAVI YADAV @ GOPE @ PAHALWAN son of Munna
Yadav Village- Bhiimpalli, P. S.- Bihiya, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv. Mr.Sunil Kumar Yadav
For the Opposite Party/s	:	Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard the parties.

Petitioner renews his prayer for regular bail in connection with Shahpur P.S. Case No. 343 of 2019 corresponding to Sessions Trial No. 60 of 2021 dated 11/12/2019 registered under Section 302 / 34 of the IPC and Section 27 of the Arms Act.

This is third attempt for bail on behalf of the petitioner inasmuch earlier bail application of the petitioner was rejected vide Cr. Misc. No. 33808 of 2021 by order dated 29-03-2022 and Cr. Misc. No. 60686 / 2022 on 21-12-2022.

The allegation against the petitioner in nutshell is that petitioner caused fire arm injury upon the brother- in- law of the informant in the morning of date of occurrence and in the night



while the family members of the informant were going to see the injured admitted in the hospital, the petitioner along with other accused persons standing near Hari Narain Singh Inter College, Shahpur armed with lethal weapon chased and fired upon the husband of the informant, namely, Sunil Kumar Yadav due to which he died.

Learned senior counsel for the petitioner submits that while rejecting the bail application of the petitioner on 29-03-2022 this Court was pleased to grant liberty to the petitioner to renew his prayer for bail after six months if the trial does not show any substantial progress. The petitioner filed the second bail application vide Cr. Misc. No. 60686 / 2022 which was rejected by this Court on 21-12-2022 taking into consideration the report of learned Additional Sessions Judge -XIII, Bhojpur at Ara dated: 19-11-2022 regarding the stage of trial in connection with Sessions Trial No. 60 of 2021 arising out of Shahpur PS Case No. 343 of 2019, in the said report learned Additional Sessions Judge -XIII, Bhojpur at Ara had stated that out of nine witnesses, seven witnesses have been examined and two witnesses were are yet to be examined. He next submits that there is no progress in the trial since last rejection of bail application of the petitioner on 21/12/2022 based upon the report of



learned Additional Sessions Judge-XIII, Bhojpur at Ara and still two witnesses are yet to be examined. The petitioner is in custody since 04/02/2020 i.e. for more than three years.

Regard being had to the submission made by the parties, taking into consideration the period of custody of the petitioner and the fact that trial has not completed, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000 /- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Bhojpur at Ara in connection with Sessions Trial No. 60 / 2021 arising out of Shahpur P.S. Case No. 343 of 2019 on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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