

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51301 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- GHOSWARI District- Patna

Shadhu Yadav S/o Mauli Yadav, Resident of Village - Isha Nagar, P.S.-
Ghoshwari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54449 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- GHOSWARI District- Patna

Shadhu Yadav S/o Mauli Yadav, Resident of Village - Isha Nagar, P.S.-
Ghoshwari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51301 of 2019)

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

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

(In CRIMINAL MISCELLANEOUS No. 54449 of 2019)

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

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
C.A.V. ORDER

16 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Since two regular bail applications have been filed by
the same petitioner for grant of regular bail in connection with
Ghoswari P.S. case No.57 of 2018, earlier vide order dated
29.08.2019 passed in Cr. Misc. No.54449 of 2019, the matter



was referred for enquiry and the learned Registrar General was directed to submit an enquiry report. In pursuance of which, the learned Registrar General submitted a report, which is kept in the file. Following is the finding of the report submitted by the learned Registrar General :

“On a careful examination of the facts, Explanation/Show Cause submitted and statements described above, it appears that due to the faults of one Sri Sanjeevan Mochi, Receiving Clerk of Filing Counter, the High Court file of Token No.54145/2019 (Cr.Misc.No.54449/2019) was dislocated and due to which the learned Counsel Mr. Santosh Kumar Singh filed second Bail Application vide Cr.Misc.No.51301/2019. Shri Shashi Srivastava also did not perform his duty carefully and sincerely at the time of Stamp Reporting in Cr. Misc. No.51301/2019 by reporting a defective case as defect-free and the case was filed under the heading ‘For Admission’ on 17.08.2019.”

Considering the findings as stated above, due to negligence and carelessness on the part of Sri Sanjeevan Mochi, Receiving Clerk of Filing Counter and Shashi Srivastava, Stamp Reporter the second regular bail application being Cr. Misc. No.51301 of 2019 was filed and a defective case got listed



before the Bench for Admission. The above stated persons are found negligent in their conduct and they are warned to be careful in future so that such mistakes may not be repeated.

The defective Cr. Misc. No.51301 of 2019 is not pressed and the same is dismissed as not pressed. The defect free Cr. Misc. No.54449 of 2019 is being pressed for grant of regular bail of the petitioner.

The petitioner seeks bail in a case registered under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that while the informant along with his brother went for natural call, the accused persons caught hold the brother of the informant and fired upon his chest and head, due to which he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.05.2019. He has remained in custody for a period of four years. Charge sheet has already been submitted and there is no chance of the trial being concluded in near future. There is no allegation of tampering with the witnesses levelled against the petitioner. The main allegation of assault is against one Madhu Yadav, who is said to have fired and caused gunshot injury on the head and the chest



of the informant's brother (deceased). At the time of occurrence, the petitioner is also alleged to have fired, but no injury has been sustained by any person in course of occurrence by the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner, namely, Shadhu Yadav be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Ghoshwari P.S. case No.57 of 2018.

(Sudhir Singh, J)

Narendra/-

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