

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7651 of 2023

Arising Out of PS. Case No.-368 Year-2020 Thana- JAMUI District- Jamui

Shankar Yadav @ Shiv Shankar Kumar @ Shiv Shankar Yadav Son of
Bajrangi Yadav R/V- Abhaypur, P.S- Jamui, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-03-2023 Heard Shri N.K. Agarwal, the learned Senior counsel
for the petitioner and Shri Chandra Bhushan Prasad, the learned
A.P.P. for the State.

This is the third attempt of the petitioner to seek bail
as earlier his bail application was rejected *vide* order dated
30.03.2022 in Cr. Misc. No. 57064 of 2021 and thereafter *vide*
order dated 28.09.2022 in Cr. Misc. No. 51914, the petitioner
was permitted to withdraw his bail application.

Shri N.K. Agarwal, the learned Senior counsel for the
petitioner submits that *vide* order dated 08.02.2023, a report was
called for from the learned trial court with respect to the stage of
the trial and the report of the trial court has been received *vide*
Letter No. 40 dated 15.02.2023 and from perusal of the same, it



manifests that only two witnesses till 23.03.2022 were examined.

Learned senior counsel further submits that he has a copy of the charge-sheet no. 539 of 2021 dated 31.08.2021 and in the charge-sheet there are sixteen witnesses. It is next submitted that till date only two witnesses have been examined and still fourteen witnesses remain to be examined. It is further submitted that it is not a case under Section 302 of the IPC rather is a case under Section 307 of the IPC and the petitioner in his first attempt had even disputed the injury caused by the firearm, though the doctor had recorded that the injury was caused by firearm but then that is an aspect to be decided in a duly constituted trial. It is further submitted that the petitioner is in custody since 22.06.2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with S.T. No. 343 of 2021 arising out of Jamui P.S. Case No. 368 of 2020 with a condition that one of the bailors of the petitioner shall be his father, Bajrangi Yadav.

However, if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds and shall take all coercive steps to ensure that the petitioner is behind bars.

(Satyavrat Verma, J)

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