

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44627 of 2024

Arising Out of PS. Case No.-873 Year-2020 Thana- SUPAUL District- Supaul

Shambhu Yadav Son Of Siyaram Yadav R/O- Nagar Parishad, Ward No. 28,
P.S.- Supaul, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-09-2024

Heard the parties.

2. The petitioner is in custody in connection with S.T. No. 315 of 2021, arising out of Supaul P.S. Case No. 873 of 2020 for the offence under Sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 24.12.2020 by the informant, Bhola Prasad Yadav.

3. As per the prosecution story, The informant in the FIR stated that on 24.12.2020, accused Siyaram Yadav along with his three sons namely, Vidyanand Yadav, Shambhu Yadav, Raj Kumar Yadav and some unknown persons armed variously came to his door and injured his son Lalit Chandra Yadav who subsequently succumbed to his injury. The FIR,



further, states that the deceased before his death also told the informant and his family members about the aforesaid accused persons and his three sons.

4. Learned counsel for the petitioner submits that he will not go into the merit of the case but would only attribute that he is in custody since 27.02.2021 (paragraph no.9 of the petition) and despite the rejection of the earlier petition in Cr. Misc. No. 20010 of 2022, trial has not come to an end. Further, if granted relief he will be diligently appearing in trial and missing a single date without any plausible reason, the State shall be free to take steps for cancellation of his bail bond. The last submission is that one of the cousin brother of the deceased who narrated that unknown persons have killed his brother, the same is part of the record as Annexure 3 to the petition.

5. Learned APP opposes the prayer submitting that they are the named persons who killed the brother of the informant.

6. Though, allegation is there, the fact remains that he has remained in custody for three years and the trial has not come an end, specific allegation of using fire arm is not attributed to him rather all the three accused persons who are



named, the petitioner has undertaken to diligently appear in trial, this Court has also taken note of one of the deposition made by the cousin brother of the deceased. In that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Supaul, in connection with S.T. No. 315 of 2021, arising out of Supaul P.S. Case No. 873 of 2020, with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Rajiv Roy, J)

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