

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24305 of 2023**

Arising Out of PS. Case No.-118 Year-2020 Thana- PATNA CITY CHOWK District- Patna

SHIV SHANKAR KUMAR @ SHIVSHANKAR KUMAR @ REYANCE @
RIYANSHU S/O SURENDRA PRASAD R/O Chutikiya Bazar Sakha Gali,
Patna City, P.S- Malsalami, Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 19-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. This is the third attempt of the petitioner to obtain regular bail in connection with Sessions Trial No.239 of 2022, arising out of Patna City Chowk P.S. Case No.118 of 2020, registered for the offences under Sections 302, 387, 120B, 34 of the Indian Penal Code, Section 27 of Arms Act and 3 and 4 of the Explosive Substances Act. The petitioner is in custody since 16.07.2020 and has three criminal antecedent.

3. As per the prosecution case, the petitioner was driving motorcycle on which some of the miscreants had gone to the place of occurrence and had committed the offence.

4. Learned counsel for the petitioner submits that the



petitioner is not named in the FIR, however, later on two persons who claimed to be eye witnesses to the occurrence, they named this petitioner as an accomplice of the FIR named accused. He further submits that those two so called eye witnesses deposed in Special (Child) Case No.17/2021 as P.W.-4 and P.W.-6, respectively but they did not support the prosecution case and have been declared hostile. It is submitted that so far as the trial of the present petitioner is concerned, in his case charges have been framed only recently on 11.02.2025 but till date no witness has been examined.

5. Learned counsel submits that continued detention of the petitioner for about four years nine months by now without there being any chance of early conclusion of trial would be a case of violation of fundamental rights and in view of settled law on the subject, this Court being a constitutional Court may grant bail in such cases.

6. He further submits that even the brother and wife of the deceased have not supported the prosecution in another trial arising out of Special (Child) Case No.17/2021.

7. Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the entire facts and circumstances of this case, in which the petitioner has already



remained in incarceration for four years and nine months but till date not a single witness has been examined and trial is not likely to be concluded in near future, this Court directs to release the petitioner on bail on furnishing furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, II, Patna City, arising out of Patna City Chowk P.S. Case No.118 of 2020, subject to the condition as laid down under Section 480(3) of Bhartiya Nagarik Suraksha Sanhita, 2023.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application is allowed.

(Rajeev Ranjan Prasad, J)

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