

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51853 of 2024

Arising Out of PS. Case No.-205 Year-2019 Thana- BHORE District- Gopalganj

Shambhu @ Shambhu Singh @ Sambhu Singh S/o Baliram Singh R/o
Village-Balahata, P.S.-Uchkagaon, Distt-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-02-2025 Heard Mr. Raghav Prasad, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.12.2019 in connection with Bhore P.S. Case No. 205 of 2019
and S. Tr. No. 363 of 2022, F.I.R. dated 13.06.2019 for the
offences punishable under Sections 302, 404, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the petitioner has moved before this Court
for grant of regular bail in Cr. Misc. No. 74075 of 2022 but the
same was rejected vide order dated 21.08.2023. While rejecting
the bail application of the petitioner it has been recorded on the
basis of the report of the learned Trial Court that all the
prosecution witnesses have already been examined and
statement of the accused was also recorded under Section 313 of



the Cr.P.C. and now the case is fixed for defence evidence.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that when the matter was taken up on 25.10.2024, this Court has been pleased to call for a report with regard to the present stage of trial. First report of the learned Trial Court dated 29.10.2024 reveals that all the defence witnesses have been examined and the case is pending for argument. He further submits that the aforesaid report also indicates that the case may be disposed of within 20 days.

5. In view of the aforesaid, the Court has been pleased to fix the case in the third week of January and when the matter was called out on the same date, learned counsel for the petitioner informs this Court that the case is still pending before the learned Trial Court and it is not disposed of as yet. After the said submission, this Court has again call for a fresh report with regard to present stage of trial. Fresh report of the learned Trial Court dated 10.12.2024 reveals that the case is still pending and now the case has been transferred from one court to another court.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely



to be concluded in the near future and the petitioner is in custody since 12.12.2019. He further submits that similarly situated, co-accused, namely, Mannu Kumar Singh has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 19.03.2020 passed in Cr. Misc. No. 1026 of 2020 and another co-accused, namely, Awadhesh Gond has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.08.2019 passed in Cr. Misc. No. 51127 of 2019.

7. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that the petitioner carries 11 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that out of 11 cases the petitioner has been acquitted in 8 cases, is on bail in 2 cases and 1 case is pending for consideration.

8. Considering the aforesaid facts and circumstances, report of the learned Trial Court as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-VII, Gopalganj in connection with Bhore P.S.
Case No. 205 of 2019 and S. Tr. No. 363 of 2022, subject to the
following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 step 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.

(Rajesh Kumar Verma, J)

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