

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11906 of 2026

Arising Out of PS. Case No.-20 Year-2003 Thana- JHAJHA District- Jamui

Shambhu Yadav S/o Brahamdeo Yadav Resident of Village- Dhamana, P.S.-
Jhajha, Dist.- Jamui Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh
For the Opposite Party/s : Mrs. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jhajha P.S. Case No.20 of 2003, dated 25.02.2003 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and 27 of Arms Act.

3. As per the FIR, the allegation against the petitioner is that he is involved in the killing of informant's husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the investigation against the petitioner was concluded and charge-sheet was filed in the year 2003, to be more specific on 14.09.2003, which is appended as Annexure-P/2, and the petitioner was not sent up for trial. It is next submitted that investigation continued and again a supplementary charge-sheet dated 30.07.2018 was filed, in which also the petitioner was not sent up for trial. It is the case



of the petitioner that the learned Magistrate, differing with the police report, has taken cognizance on 03.08.2018 against the petitioner and others. From the order taking cognizance, it is not clear as to what materials the learned Magistrate found to indicate complicity of this petitioner, pursuant to which summons were issued on 03.09.2024. For that reason, the petitioner has filed this case for taking appropriate remedy in accordance with law. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the fact that upon investigation the police did not find anything incriminating against this petitioner, owing to which in the first charge-sheet as well as in the supplementary charge-sheet the petitioner was not sent up for trial, but without referring to any such materials on the basis of which cognizance is said to have been taken the petitioner has been summoned and directed to participate in the trial, let the above-named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned SDJM, Jamui/
Successor Court in connection with Jhajha P.S. Case No.20 of
2003, subject to the conditions as laid down under Section
482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family
member/relative/known of the petitioner(s) who shall provide
official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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