

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13522 of 2019**

Arising Out of PS. Case No.-95 Year-2018 Thana- GAYA KOTWALI District- Gaya

Shankar Yadav, Son of Raudi Yadav R/o village/Mohalla- Bangla Ashthan,
P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Sharma

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 24-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

The prosecution case as per the written report of Renu Devi submitted to the Station House Officer of Gaya Kotwali Police Station is to the effect that on 19.02.2018 about 3.00 P.M. the informant and her husband, Ajay Kumar @ Guddu were going to bring certain documents but on the way, six accused persons including the petitioner brutally assaulted him with lathi, danda and iron rod and subsequently the informant was also assaulted by wives of co-accused Madari Yadav, Dhannu Yadav and the petitioner Shankar Yadav. During the course of



the treatment, the husband of the informant died.

It is submitted by learned counsel for the petitioner that though there is accusation of assault against six accused persons but only vital injury on the head of the husband of the informant has been found, the cause of his death, and in fact, the supervising authority has doubted the presence of the petitioner on the place of occurrence. It is further submitted that the accusation has been levelled in the background of litigated relationship from before. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

The prayer for bail of the petitioner was earlier rejected vide order dated 07.01.2019 passed in Cr. Misc. No. 61613 of 20018 on the ground that the bail application of co-accused has been rejected with liberty to the petitioner to renew the prayer for bail after framing of charge.

It is submitted by learned counsel for the petitioner that co-accused Kedar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 07.03.2019 passed in Cr. Misc. No. 13461 of 2019, whereas the charges have been framed against the petitioner and others vide order dated 19.01.2019 passed by learned Additional Sessions Judge-I, Gaya



in Sessions Trial No. 390 of 2018, arising out of Kotwali P.S.
Case No. 95 of 2018.

Learned APP submits that there is accusation of
assault against the petitioner.

Considering the nature of accusation being omnibus
and general coupled with the liberty given to the petitioner to
renew the prayer for bail after framing of charge which has
already been framed and the co-accused has already been
granted bail, let the above named petitioner 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 learned
Additional Sessions Judge-I, Gaya in connection with Sessions
Trial No. 390 of 2018, arising out of Gaya Kotwali P.S. Case
No. 95 of 2018.

(Dinesh Kumar Singh, J)

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