

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61613 of 2018

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

Shankar Yadav, S/o Raudi Yadav, Resident of Village/Mohalla- Bangla
Ashthan, Police Station- 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.Sri Binod Kumar 3

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 11.06.2018 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 which is 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.

It is submitted by learned counsel for the informant that several injuries have been found on the body of the victim which suggests that all the accused persons were sharing the common intention to kill the husband of the informant and regular bail applications of similarly situated other accused persons have been rejected by different co-ordinate Benches of this Court vide order dated 04.09.2018, 28.11.2018 and 04.12.2018 passed in Cr. Misc. Nos. 44611 of 2018, 53230 of 2018 and 57282 of 2018 respectively.

Learned APP after going through the case diary



submits that there is specific accusation of assault against the petitioner.

Considering the manner of the occurrence, this Court is not inclined to grant bail to the petitioner in connection with Gaya Kotwali P.S. Case No. 95 of 2018, pending in the Court of learned Chief Judicial Magistrate, Gaya.

Accordingly, the prayer for bail of the petitioner is rejected for the present.

However, since the investigation has already concluded and bail application of co-accused has been rejected with liberty to renew the prayer for bail after framing of the charge, the petitioner will be also at liberty to renew the prayer for bail after framing of charge.

(Dinesh Kumar Singh, J)

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