

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19697 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- BUNIYAD GANJ District- Gaya

SHANKAR YADAV Son of Late Sarju Yadav Resident of Mohalla - Kurmi
Toal (Manpur), P.S.- Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the learned
counsel for the State.

Petitioner seeks regular bail in Buniyadganj P.S. case no.
227 of 2021 registered for the offence punishable under sections 307,
354, 379 and other allied sections of the Indian Penal Code, various
sections of the Arms Act and 3/ 4 of Explosive Substance Act.

As per allegation, on the alleged date and time of
occurrence, petitioner along with his son and five unknown persons
covering their face with mask came at the informant's house and
started assaulting the informant and during course of occurrence they
fired at the informant and hurled bomb at the informant's brother and
the petitioner having pistol fired from his pistol. Further allegation is



that during course of occurrence accused persons damaged the property of shop of the informant and also took away Rs 1,50,000/-

The main submissions advanced by the learned counsel for the petitioner are that in the present case, none has sustained injury and story narrated in the FIR is completely imaginary, in fact, in between prosecution party and the petitioner, a title suit was running which was decreed in favour of the petitioner due to which present case was lodged, at the place of occurrence only four empty cartridges have been recovered but as per allegation made in the FIR accused persons are said to have fired two times only. Further submission is that there is no FSL report with regard to alleged bomb like substance and the informant only suspected the said article to be an explosive substance regarding which there is no any expert's opinion.

Learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. It appears that there is specific allegation against the petitioner, from the place of occurrence four empty cartridges and bomb like material were recovered as appears from seizure list which goes in support of the allegation made against the petitioner and he has criminal antecedent of three cases as stated in his petition.

Considering these facts, in the opinion of this Court, petitioner does not deserve privilege of bail and accordingly, his



prayer for bail stands rejected.

(Shailendra Singh, J)

s.hassan/-

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