

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25327 of 2022

Arising Out of PS. Case No.-20 Year-2019 Thana- SHAMBHUGANJ District- Banka

Dayanand Saraswati Son Of Bishundeo Yadav @ Bishnudeo Yadav Resident
of - Manjhgay, P.S.- Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Adv
For the Opposite Party/s : Mr .Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Shambhuganj P.S.Case No. 20 of 2019
punishable under Sections 302, 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution case is based on fardbeyan of the
informant alleging therein that on 04.02.2019 at about 4.30
pm while the brother of the informant was returning from
UCO Bank co-accused persons variously armed surrounded
him and it is specifically alleged that the petitioner and one



Tiropati Yadav shot fire on the brother of the informant resulting into his death.

It is submitted by the learned counsel for the petitioner that there is general and omnibus allegation against all the FIR named accused persons and on account of previous enmity his name has been implicated in this case. It is next submitted that other co-accused persons named in the FIR have already been granted bail by different Benches of this Court and in support of his contention, he has brought orders of the learned co-ordinate Benches as contained in Annexure-6 series. It is next submitted that on the alleged date and time, the petitioner was present at registry office in Banka and in support of his contention Annexure-4 has been brought on record. It is lastly submitted that from the prosecution, it appears that the informant was not an eye witness, hence, he took the name of other family members that they were present at the time of occurrence and further this petitioner is in custody since 13.09.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits



that there is specific accusation against the petitioner and one Tiropati Yadav that they fired upon the deceased resulting into his death. Learned APP also drawn attention of this Court to the FIR which would suggest the informant and other persons were present, who disclosed the name of the petitioner, who as of the assailant. It appears from the FIR that blood stained Gamcha of the petitioner was also found at the place of occurrence.

Having heard the rival contentions of the parties and taking into consideration the specific accusation and incriminating material is against the petitioner, this Court is not persuaded to enlarge the petitioner on bail at present.

Accordingly, his prayer for bail stands rejected at present.

However, it is expected that the learned trial court shall take all necessary steps to expedite the trial of the petitioner and conclude the same as early as possible.

(Harish Kumar, J)

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