

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9078 of 2023

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

SHANKAR YADAV SON OF LATE SARJU YADAV R/O MOHALLA-
KURMI TOLA (MANPUR), P.S.- MUFFASIL, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate Mr. Nitish Kumar, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Buniyadganj P.S. Case No. 227 of 2021 registered for the
offences punishable under Sections 341, 323, 379, 354, 307,
427, 506/34 of the Indian Penal Code, Sections 25(1-b)a, 26(ii)
and 35 of the Arms Act and Sections 3 and 4 of the Explosive
Substances Act.

As per the prosecution, on the alleged date and time
of occurrence, petitioner along with his son and five unknown
persons covering their mask came at the informant's house and
started assaulting the informant and during the course of



occurrence, they fired at the informant and hurled bomb at the informant's brother and the petitioner fired from his pistol. Further allegation is that during course of occurrence, accused persons damaged the property of shop of informant and also took away Rs.1,50,000/-

The main submissions advanced by the learned counsel Mr. Sanjeev Kumar for the petitioner are that the petitioner earlier preferred Cr. Misc. No.19697 of 2022 for the relief of regular bail which was rejected by this Court on 19.07.2022 and now he again filed the instant criminal miscellaneous petition for the same relief mainly on the ground of change of stage of his case as upon the petitioner, charges has been framed and also on the ground of his long custody period as the petitioner has been languishing in jail since 27.10.2021. Further submission is that in the alleged occurrence, no one sustained injury and during investigation, no independent witness supported the allegation of the FIR and one title suit bearing T.S. No.115 of 2016/278 of 2003 was filed by the informant of the present matter against the petitioner and the same was decided in favour of the petitioner and owing to that reason, the prosecution's story mentioned in the FIR was falsely prepared and fabricated and moreover there is no FSL report



with regard to the alleged bomb like substance.

Learned APP Mr. Nirmal Kumar Sinha appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner's custody period and change of stage of his case, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Buniyadganj P.S. Case No. 227 of 2021.

(Shailendra Singh, J)

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