

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45691 of 2023

Arising Out of PS. Case No.-528 Year-2021 Thana- KHAGARIA District- Khagaria

PANDAV YADAV SON OF LATE BHARAT YADAV RESIDENT OF
VILLAGE- BARKHANDI TOLA, MATHAR, WARD NO. 15, PS-
MUFFASIL, DISTT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 25-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
with Khagaria(Muffasil) P.S. Case No.528 of 2021 dated
07.07.2021 registered for the offence/s punishable under
Section/s 341, 323, 307, 447 and 379/34 of the Indian Penal
Code and Section 27 of the Arms Act.
3. This is second attempt of the petitioner for
the relief of regular bail after the petitioner's earlier attempt for
the same relief was rejected by this Court vide order dated
24.02.2023 passed in Cr. Misc. No.63456 of 2022 preferred by
this petitioner.
4. It is submitted by the learned counsel for the



petitioner that the petitioner has been languishing in jail since 17.07.2022 and he has fair and clean antecedent and he is quite innocent and there is also a counter case and the FIR of present matter is counter blast of the case lodged by petitioner's mother and there was no allegation against the petitioner of having assaulted the victim repeatedly. It is further submitted that as per the prosecution one person namely Rambilash Yadav sustained fire-arm injury which is specifically attributed against the petitioner but the injury sustained by the said person has not been opined by the doctor concerned as simple or grievous.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the seriousness of the allegation appearing against the petitioner and mainly the status of the petitioner's case as appears from the report of the trial Court which goes to show that the case of the petitioner is running for supplying of police papers to the accused persons which shows his case is at very initial stage, in my opinion at this stage the petitioner does not deserve to the privilege of bail. Accordingly his bail prayer stands rejected.

7. The report of the Trial Court goes to show that the police paper is not being supplied to the accused



persons on account of the non-appearance of the three co-accused persons, hence the Court concerned is directed to separate the petitioner’s case and thereafter commit the same to the Trial Court and thereafter attempts shall be taken to frame the charge upon the petitioner.

8. Petitioner may renew his bail prayer after framing of charge.

(Shailendra Singh, J)

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