

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52570 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- PARAIYA District- Gaya

Shiv Shankar Yadav S/O Late Baudh Yadav Resident Of Village- Dumra-
P.S.- Paraiya District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Paraiya P.S. Case No. 79 of 2022 registered under sections 302 and 34 of the Indian Penal Code.

Prosecution case in short is that on the eve of holi there was a program of breaking the Matka, for this occasion the named accused persons including the petitioner reached there and the said matka was broken by the Paswan boys and after that function, all the accused persons including petitioner assaulted informant's father by tying cloth upon the neck of the informant's father and after that they assaulted the him with fists and slaps, due to which he sustained injury and during treatment



he died in hospital.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to village rivalry. It is further submitted that according to FIR, the specific allegation is against co-accused persons, namely, Binod Yadav and Vijay Yadav that they used towel in such a way that the neck of the informant's father was choked which ultimately led to his death. There is general and omnibus allegation levelled against the petitioner. Similarly situated other co-accused persons have already been granted bail by this co-ordinate Bench of this Court vide order dated 27.09.2022. in Cr. Misc. No. 37767 of 2022. The petitioner is languishing in judicial custody since 16.04.2022.

The application for bail is vehemently opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Paraiya P.S. Case No. 79 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate, Ist Class, Gaya.

(Sunil Kumar Panwar, J)

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