

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19739 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- SALIMPUR District- Patna

Shanshan Yadav @ Shailesh Singh S/o Vimal Singh @ Vimal Yadav R/o Vill -
Shahpur, P.S. - Salimpur, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-07-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Salimpur P.S. case No.
234 of 2023 instituted for the offences under Sections 147, 148,
149, 307 and 302 of the Indian Penal Code.

3. Prosecution allegation, in short, is that when the
brother of the informant went outside the house to attend the
call of nature, the accused persons, variously armed, surrounded
brother and uncle of the informant and assaulted them due to
which, they sustained injuries and later the brother of the
informant succumbed to the injuries.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. General and omnibus allegation has been made against the petitioner. The specific allegation of assault is alleged against co-accused Bablu Yadav. No specific overt act is alleged against the petitioner. There is a case and counter case between the parties. There is also pre-existing land dispute and enmity between the parties. The petitioner is in custody since 28.10.2023 and has one criminal antecedent in which he is on bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. During the investigation, the witnesses have supported the allegation made in the F.I.R.. Serious allegation of assault is alleged against the petitioner and other co-accused persons. Hence, the petitioner does not deserve the privilege of bail.

6. A report was called for from the Court below. It has been reported that the trial is pending at appearance stage and notice has been issued for appearance of the accused.

7. Considering the aforesaid facts and circumstances of the case, the stage of the case, no specific allegation against the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Salimpur P.S. case No. 234 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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