

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25177 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- BAUNSI District- Banka

Shankar Kumar Yadav Son of Pradip Yadav Resident of Village - Bhaga,
Police Station - Bounsi, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md.Najmul Hodda, Adv.
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Md. Nurul Hoda, Adv.

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

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Bounsi
P.S. Case No. 362 of 2023 instituted for the offences under
Sections 341, 323, 302, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, in short, is that the son of
the Informant was assaulted by co-accused persons including
the petitioner by means of iron rod due to which he succumbed
to the injury. It is also alleged that the Informant and his other
son were assaulted by the accused persons when they tried to
rescue.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is an admitted land dispute between the parties. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation is against co-accused Pradeep Yadav. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 22.12.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Sharma Devi has been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 24183 of 2024.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. Several witnesses in Para 6, 8, 9, 10, 11, 23 and 24 have supported the prosecution case. The postmortem report supports the prosecution case mentioning the cause of death is head



injury and its complication due to hard and blunt force impact. The charge-sheet has been submitted against the accused u/s 341, 323, 302, 504, 506/34 of the I.P.C.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Bounsi P.S. Case No. 362 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses,



during the investigation or trial, in that case, prosecution will be
at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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