

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46193 of 2025

Arising Out of PS. Case No.-44 Year-2023 Thana- PHULWARIYA District- Gopalganj

Pankaj Yadav son of Vijay Yadav @ Vijay Kumar village- Gonbarhi, Akian
Khas, Ps- Shriampur, Dist- Deoriya (UP).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case 44/2023, registered for the offence
punishable under Sections 395 and 397 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per prosecution case, six unknown miscreants
came at the jewelry shop of the informant and three of them
entered into the shop. It is alleged that one of them assaulted the
informant by means of butt of pistol as result of which informant
sustained head injury and became unconscious. It is further alleged
that two unknown miscreants hold the son of informant and started
fighting with him and, in the meanwhile, informant's son was shot
in his leg as a result of which informant's son became unconscious



and fell down. Thereafter, they looted gold and silver jewelry from informant's shop and fled away.

4. Learned counsel for the petitioner submits that vide order dated 13.09.2024 passed in Cr. Misc. No. 45052 of 2024 prayer for bail of the present petitioner has already been rejected on merit. He further submits that petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. He further submits that petitioner is not named in F.I.R. and the name of the petitioner has been transpired in this case upon his self confessional statement. Except self confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 27.03.2023 and bears criminal antecedent of ten cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner. He further submits that on the basis of self confessional statement of the petitioner, stolen articles were recovered from the rental house of the petitioner and the recovered articles were identified by the informant during T.I.P., as mentioned in Para 216 of the case diary and the same has also been mentioned in the impugned order. He further submits that the case



of present petitioner is different from the case of other co-accused persons. He further submits that vide order dated 13.09.2024 passed in Cr. Misc. No. 45052 of 2024 prayer for bail of the present petitioner has already been rejected on merit and there is no fresh ground to consider the prayer for bail of the present petitioner.

6. In pursuance of the direction of this court, the trial court vide letter no. 180 of 2025 dated 17.07.2025 has sent its report which reveals that only one prosecution witness has been examined and trial will be concluded within six months.

7. Considering the facts and circumstances of the case, prayer for bail of the present petitioner has already been rejected on merit, nature of allegation levelled against the petitioner as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Alok Kumar Pandey, J)

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