

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40575 of 2023**

Arising Out of PS. Case No.-118 Year-2021 Thana- SHAMBHUGANJ District- Banka

Bijay Yadav @ Vijay Yadav Son Of Late Navin Yadav Resident Of Village-
Baggha Khas, Ps- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 28-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 118 of 2021 dated 02.06.2021
registered for the offences punishable under Sections 341, 323,
307 and 504/34 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 and his earlier bail prayer has been rejected
by this Bench vide order dated 16.11.2022 passed in Cr. Misc.
No. 41345 of 2022 preferred by this petitioner and he has been
languishing in jail since 18.05.2022.

4. The fresh ground taken by the petitioner is the
liberty given to him in the earlier rejection order concerned to



his earlier bail prayer. It is submitted by learned counsel for the petitioner that upon the petitioner, the charge has been framed on 23.01.2023, but thereafter, no prosecution witness has been produced and examined till date despite the lapse of several months and both the parties are agnate and in between them, there is a land dispute, though, as per the allegation the petitioner fired at the informant but there is no allegation of repeated firing by him and the informant sustained injury on non-vital part of his body and the petitioner has been languishing in jail since 18.05.2022 and has fair and clean antecedent.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. Though, there is serious allegation against the petitioner but considering the slowness of the prosecution in producing and examining the prosecution witnesses as mentioned-above and as per above submission despite the lapse of more than five months, no prosecution witness has been produced and examined in petitioner's trial and in the firing allegedly caused by the petitioner, the informant sustained injury on non-vital part of his body and as per the statement made in para 3 of this petition, the petitioner has fair



and clean antecedent, in my opinion in the present circumstance, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Shambhuganj P.S. Case No. 118 of 2021.

(Shailendra Singh, J)

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