

In the court of Addl. District & Sessions Judge-II, Munger
S.T. No. 19/2021

State

Versus

Shambhu Kumar @ Shambhu Yadav & Others.....Accused persons.

01.03.2021

A bail petition filed on behalf of petitioner Shambhu Kumar @ Shambhu Yadav, who is in judicial custody since 06.10.2020 in connection with S.T. No. 19/2021 arising out of Muffasil P.S. Case No. 197/2020 registered U/Ss 341, 323, 307, 504, 506, 34 of the IPC and Section 27 of Arms Act, has been pressed today.

It is alleged that on 15.08.2020 the petitioner along with other accused persons assaulted the informant with deadly weapon. It is also alleged that this petitioner fired two gun shots on the informant which caused mandible injury to the informant and after that all the accused persons ran away. Hence this case.

It is submitted on behalf of petitioner that he is innocent and has been falsely implicated in this false case. Due to political rivalry there are five cases pending against the petitioner and the petitioner is on bail in all the cases. The instant case is the counter blast to the earlier case of the petitioner i.e. Muffasil P.S. Case No. 194/2020. There was no gun shot injury to the informant. It is worth consideration that if a man receive gunshot injury on mandible part then how will he be able to give statement before the police just after 36 hrs of the mandible injury.. The informant was not present at the place of occurrence at that time of occurrence then how he has claimed to get mandible injury by fire arms by this petitioner. All the alleged Sections of IPC areailable in nature except Section 307 of IPC. The petitioner is in custody since 06.10.2020 and it is a long time. Hence he deserves bail.

The Ld. A.P.P. vehemently opposes the prayer for grant of bail to the petitioner stating that it is a case of very serious in nature. The petitioner has several cases pending against him and the same is mentioned in para 40 of the case diary and on certified copy produced by prosecution. The informant got mandible injury. The Hence the petitioner may not be granted bail.

Perused the FIR and case record.

The petitioner is in custody since 06.10.2020. There is case and counter case between the parties. From the perusal of case record, it appears that there is mandible injury to the victim by fire arms of the petitioner. The petitioner has several criminal cases i.e. Muffasil P.S. Case No. 219/2008, Muffasil P.S. Case No. 221/2008, Muffasil P.S. Case No. 112/2016, Muffasil P.S. Case No. 09/2018, Muffasil P.S. Case No. 213/2018, Kasim Bazar P.S. Case No. 89/2009, Muffasil P.S. Case No. 94/2013 & Muffasil P.S. Case No. 60/2020 pending against him and the same is mentioned in para 40 of the case diary and certified copy produced by prosecution on 01.03.2021. The bail petition of one co-accused namely Ambo @ Ambar Yadav has already been rejected by this Court and the case of the petitioner is more serious than Ambo @ Ambar Yadav. The case is of very serious in nature.

Under the facts & circumstances set forth above I am not inclined to grant bail to the petitioner Shambhu Kumar @ Shambhu Yadav. Accordingly, his prayer for bail stands **rejected**.

Dictated

Addl. Sessions Judge-II,
Munger
01.03.2021.