

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26194 of 2016

Arising Out of PS.Case No. -18 Year- 2010 Thana -GOPALGANJ CITY District- GOPALGANJ

Surendra Yadav, S/o- Sipahi Yadav, resident of Village- Rampur Tengrahi,
P.S.- Jadavpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2016 Heard learned counsel for the Petitioner, State and the informant.

The Petitioner seeks bail in Gopalganj P.S. case No.18 of 2010 instituted for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Chief Judicial Magistrate, Gopalganj.

The prosecution case, in brief, is that on 11.1.2010 the informant along with his elder brother Brajesh Rai and relatives Ashok Rai, Lalan Rai and Vijay Rai was returning from Gopalganj on his jeep at his house. His elder brother Brajesh Rai and Ashok Rai were seated on front seat and other on rear seat and Ashok Rai was driving the jeep. When the jeep reached near Yadopur More and further proceeded towards north of N.H., a



silver colour Bolero jeep overtook the jeep and stopped the way. The accused persons including the petitioner, who were armed with sophisticated weapons, got down from jeep and on exhortation of Shailendra Shekhar Mishra other accused persons including the petitioner started firing with their respective weapons which caused fatal injury to Brajesh Rai and Ashok Rai. The informant brought them at Gopalganj Hospital for treatment where the doctor declared them dead.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 6.6.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. General and omnibus allegation has been made against the three persons including the petitioner for making firing in which two persons have died. No specific injury has been attributed against the petitioner. The persons in the vicinity, who were in their respective shops, have not named the petitioner. Prior to the incident the accused persons had gone to the house of the deceased, the family members of deceased have not named this petitioner. There is admitted dispute in respect to allotment of contract between the parties.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R.

along with two other co-accused, who are alleged to have fired upon the deceased. It is a case of double murder. The informant is an eye witness to the alleged occurrence. The statements of Lalan Rai and Vijay Rai are recorded in paragraphs 10 and 15 of the case diary. They are also the eye witnesses to the alleged occurrence. The postmortem report also supports the allegations made by the prosecution. One of the accused, namely, Birendra Yadav with a similar allegation has already been convicted by the Trial Court and his appeal is pending before this Court. His bail has also been rejected by the High Court in Criminal Appeal (D.B.) No.945 of 2015. The petitioner had been absconding for a long period. Hence, his trial could not be concluded along with the co-accused Birendra Yadav.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected. The Court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Narendra/-

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