

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27843 of 2017

Arising Out of PS.Case No. -132 Year- 2015 Thana -MAIRWA District- SIWAN

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1. Rahul Yadav.
2. Rohit Yadav, Both are Son of Late Raj Kishore Yadav, resident of Village- Loper, P.S.- Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 27-07-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the
offences punishable under Sections 328 and 302 of the Indian
Penal Code .

The prosecution case as lodged by the informant is
that his son was called by one Rajesh of Kinaryu village and
thereafter, he received information that some unknown persons
sprayed the intoxicant material on his son and he became
unconscious and when the son of the informant regained sense he
informed that some unknown persons had sprayed intoxicant on
his face as well as on the face of Rajesh and ultimately, his son
died during treatment.

It is submitted by the learned counsel for the petitioners
that the present case has been lodged against unknown accused



persons and it is only on the basis of the F.I.R. lodged by Rajesh Kumar Yadav bearing Mairwa P.S.Case No. 133 of 2015 on the same day that the petitioners have been made accused. It is further submitted that general and omnibus allegation is upon all the six accused persons including the petitioners and they are in custody since 18.01.2017 in the present case. He submits that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is also submitted that the informant's son regained consciousness but has not mentioned the name of the petitioner and other co-accused and even on the re-statement recorded after lodging F.I.R., the informant has not named the petitioners and the said Rajesh Kumar Yadav had later on filed an affidavit before the learned Court below that he did not institute the F.I.R. on the basis of which Mairwa P.S.Case No. 133 of 2015 has been lodged but his signature was taken on plain paper.

However, learned A.P.P. for the State submits that the son of the informant, who was alone son of the family and innocent, has been killed by the petitioners and other accused, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, I am not inclined to grant privilege of bail to the petitioners at this stage in connection with Mairwa P.S.Case No. 132 of 2015 pending in the Court of learned A.C.J.M. - VII, Siwan.

This application is accordingly, rejected. However, the



petitioners may renew their prayer for bail after three months.

(Nilu Agrawal, J)

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