

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4838 of 2018

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

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Rajendra Yadav @ Laddu Yadav Son of Baleshwar Yadav Resident of Village
- Khaira, P.S.- Akbarpur, District - Nawada

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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with

CRIMINAL APPEAL (SJ) No. 385 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

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Sharan Yadav @ Ramsharan @ Ramsharan Prasad Son of Sahdeo Yadav
Resident of village-Khaira, P.S. Akbarpur, Dist- Nawada.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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with

CRIMINAL APPEAL (SJ) No. 294 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- AKBARPUR District- Nawada

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1. Pappu Yadav, Son of Rajo Yadav Resident of Village - Khaira, P.S. Akbarpur, Dist- Nawada.
 3. Anil Yadav, Son of Raso Yadav Resident of Village - Khaira, P.S. Akbarpur, Dist- Nawada.
 4. Balam Yadav @ Rajballav Yadav @ Rajballav Prasad, Son of Raso Yadav Resident of Village - Khaira, P.S. Akbarpur, Dist- Nawada.
 5. Indal Yadav, Son of Shivnandan Yadav Resident of Village - Khaira, P.S. Akbarpur, Dist- Nawada.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 4838 of 2018)

For the Appellant/s : Mr. Krishna Prasad, Singh, Sr. Adv.
Mr.Bhaskar Shankar, Adv.



For the Respondent/s : Mr.Sri Sadanand Paswan (Spl. P.P.)
For the Informant : Mr. Krishna Deo Raj, Adv.
(In CRIMINAL APPEAL (SJ) No. 385 of 2019)
For the Appellant/s : Mr.Birendra Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna, (Spl. P.P.)
(In CRIMINAL APPEAL (SJ) No. 294 of 2019)
For the Appellant/s : Mr.Birendra Kumar, Adv.
For the Respondent/s : Mr.Binay Krishna (Spl. P.P.)

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 12-03-2019 As both the above appeals arise out of same police station case number, they are being taken up together for disposal.

The appellants in all the above appeals seek pre arrest bail in connection with Akbarpur P.S. Case No. 238 of 2018, registered for offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act and Section 3 (2)(5) of SC/ST Act.

Allegation against the appellants is of making indiscriminate firing resulting death of one.

Learned counsel appearing on behalf of appellant Rajendra Yadav has submitted that the allegation of firing on the deceased is against co-accused Rahul Yadav and so far allegation of firing on injured Lalita Devi is concerned, the same has been attributed to co-accused Ranjay Yadav and the same fact has also been stated by other witnesses. Learned counsel appearing on behalf of appellants in Cr. Appeal (SJ) Nos. 385/2019 and 294/2019 has submitted that only general and omnibus allegations have been attributed the appellants and the allegation of firing is levelled against other co-accused



persons.

Learned Special P.P. as well as learned counsel appearing on behalf of informant have opposed the prayer for bail on the ground that there are allegation of firing against these appellants also and in the occurrence one person has lost his life and others have received injury also.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the appellants. However, if the appellants, so desire, may surrender before the concerned court below and pray for regular bail and, if any, such petition is filed, the concerned court below shall dispose of the same on the merit of the case, if possible on same day, without being prejudiced by the order of this Court.

With the above observation, these appeal are disposed of.

(Vinod Kumar Sinha, J)

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