

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13850 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- PASRAHA District- Khagaria

1. BIPIN YADAV Son of Late Ramdeo Yadav Resident of Village-Piparpanti, Police Station-Pasraha, District-Khagaria.
2. Bidio Yadav Son of Late Medo Yadav Resident of Village-Piparpanti, Police Station-Pasraha, District-Khagaria.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr.Viveka Nand Singh, Advocate.
For the State	:	Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 20-10-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners seek bail in connection with Pasraha P.S. Case No.127 of 2019 registered under Sections 147, 148, 149, 160, 302, 307, 326 and 386 of the Indian Penal Code besides Section 27(I) of the Arms Act.

The accusation is that the informant being the Officer Incharge of Pasraha Police Station received information on mobile on 01.10.2019 at about 06.30 P.M. to the effect that due to enmity, the firing is going on between two groups at village-Basua. Thereafter, the informant along with other police personnel reached there and heard the sound of firing. On flashing the torch by the informant and other police personnel, the firing was stopped. When the informant



along with other police personnel reached towards village-Basua, then they found several live and fired cartridges near the house of Biran Yadav. The villagers present there, on assurance not to disclose their name, disclosed that due to old enmity, firing was made by the one group of Sugan Yadav, Rakesh Yadav, Sipan Yadav, Paras Yadav, Azad Yadav and Khajanchi Yadav and another group of Shiva Yadav, Babloo Yadav, Narad Yadav, Ranveer Yadav, Pappu Yadav, Bidio Yadav (petitioner no.2) and Bipin Yadav (petitioner no.1). In course of firing by them, two persons, who were moving on bike, sustained bullet injuries, out of whom, one person died sustaining bullet injury, whose name was Sadannand Kumar, and another person sustained bullet injury, whose name was Sujeet Kumar.

Learned counsel appearing on behalf of the petitioners submits that while the petitioners are named in the F.I.R. but no specific overt act has been attributed to them. In course of investigation, the police recorded the statement of the injured Sujeet Kumar, as detailed in paragraph-38 of the case diary, and he clearly stated therein that when he along with his friend Sadanand Kumar reached near the group of Sagun Yadav on motorcycle, Sagun Yadav asked them to stop the motorcycle and when his friend Sadanand Kumar did not stop the motorcycle, Sagun Yadav fired from his rifle, which hit his friend Sadanand Kumar, due to which he and his friend Sadanand Kumar fell down from the motorcycle. Thereafter, Rakesh Yadav fired from his rifle, which hit him and he fell down. Further



submission is that the similarly situated co-accused Narad Yadav has already been granted the privilege of bail by a Bench of this Court vide order dated 04.09.2020 passed in Criminal Misc. No.21675 of 2020. The petitioners are in custody since 18.11.2019.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in connection with Pasraha P.S. Case No.127 of 2019.

(Rajendra Kumar Mishra, J)

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