

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22083 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- SABAUR District- Bhagalpur

Sonu Yadav @ Sonu Kumar Son of Dhuri Yadav Resident of Village -
Lailakh, P.S.- Sabour, Dist.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 23-12-2020 Heard learned counsel for the petitioner and
learned counsel for the State via video conferencing.

2. The petitioner seeks bail in connection with Sabour
P.S. Case No. 143 of 2019 registered for the offences punishable
under Sections 147, 148, 149, 325 and 302 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the allegation, apart from the named
accused persons, some unknown accused persons also
collectively came and entered into the house of the informant
and co-accused Rohit Yadav opened fire causing injury to the 11
years old son of the informant, namely, Aman Kumar, as a result
of which, he died.

4. It is submitted by the learned counsel for the
petitioner that altogether 23 persons including the petitioner



have been named in the FIR. Allegations made against the petitioner are general and omnibus. There is no material to suggest that the petitioner in any way inflicted any injury to any person. The specific allegation of opening fire and causing injury to the deceased is confined against co-accused Rohit Yadav. He contended that the name of the petitioner has been given only because he belongs to Yadav community of the village. The entire allegations made in the FIR against him are concocted and fabricated. He further contended that the petitioner has got no criminal antecedent and having roots in the society, is not likely to abscond or tamper with the evidence.

5. Learned counsel for the State has opposed the application for grant of bail to the petitioner. He submitted that as per the prosecution case, when the family members of the informant had gone to witness fair in the village, people of Yadav community had started teasing them, which was informed to him over his mobile phone, whereafter some scuffle had taken place and in order to take revenge, about 30 persons of one community came together and entered into the house of the informant and caused murder of his son.

6. In reply, learned counsel appearing for the petitioner submitted that co-accused Dablu Yadav against whom



there is identical allegation to that of the petitioner, has already been granted bail by a Bench of this Court vide order dated 01.07.2020 passed in Cr. Misc. No. 20266 of 2020.

7. Considering the materials on record, the submissions advanced on behalf of the parties, the statement of witnesses recorded in the case diary and the period of over one year undergone by the petitioner in custody, he is directed to be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 143 of 2019.

8. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order



passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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