

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30137 of 2020

Arising Out of PS. Case No.-123 Year-2019 Thana- LODIPUR District- Bhagalpur

BIRENDRA YADAV Son of Laljee Yadav R/o Vill.-Khatuha, P.S.-Lodipur,
Distt.-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Mr.Samir Kumar, Advocates
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-11-2020 Heard Mr. Mrigank Mauli, learned counsel for the
petitioner and Mr. Akshay Lal Pandit, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Lodipur PS Case No. 123/2019 registered for the offence
punishable under Sections 302, 120B of the IPC and 27 of the
Arms Act.

3. The allegation, as per First Information Report, is
that the informant, Saraswati Devi along with her husband was
going to attend a marriage ceremony and on the way, they were
accosted by the accused persons, namely, Rohit Yadav, Sohit
Yadav, Ravindra Yadav including the petitioner, Birendra Yadav
and they caught hold of the husband of the informant and co-
accused persons, Sohit Yadav and Mohit Yadav fired upon the



husband of the informant leading to his death.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the deceased is uncle of the petitioner and the informant is his aunt. Learned counsel further submits that there is a land dispute between the family of the informant and Rohit Yadav, Mohit Yadav and Sohith Yadav and there was free fight between them, for which, wife of Sohith Yadav has lodged Lodipur PS Case No. 124/2019 against the informant, her family members including the deceased. In the said FIR, wife of Sohith Yadav has alleged that Sohith Yadav has received gun shot injury at his thigh fired by Ganeshi Yadav, the deceased. Learned counsel further submits that counter case was lodged by the wife of co-accused for the incident which has taken place on the same date and time.

5. Learned counsel also submits that petitioner had contested election of Mukhiya against the informant and due to that rivalry he has been implicated in this case. Learned counsel, referring to the supplementary affidavit, submits that the deceased was a veteran criminal and altogether 16 cases were pending against him and in one of the cases, he was convicted also. Learned counsel further submits that petitioner is in



custody since 28.01.2020.

6. Having regard to the submissions made by the parties and taking into consideration the material on record in totality and the fact that there is no allegation of firing upon the petitioner, I am inclined to grant regular bail to the petitioner.

7. Accordingly, let the petitioner, BIRENDRA YADAV be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Lodipur PS Case No. 123/2019.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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