

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65453 of 2019

Arising Out of PS. Case No.-385 Year-2018 Thana- ALOULI District- Khagaria

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1. KULDIP YADAV Son of Late Sukhdeo Yadav Resident of Village and P.S- Alauli, District-Khagaria.
 2. Kailash Yadav Son of Late Sukhdeo Yadav Resident of Village and P.S- Alauli, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sandi Shashi Mr. Ranjit Kumar Yadav
For the State	:	Mr. Anil Kumar
For the Informant	:	Mr.Shekhar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-01-2020 Heard the parties.

The petitioners seek regular bail in connection with Alauli P.S.Case No.385 of 2018 registered for offences punishable under Sections 147, 148, 149, 447, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, petitioners and other accused persons came and made indiscriminate firing and further allegation is that the petitioner and two other accused persons caught hold the hands and legs and there was indiscriminate firing on the husband of the informant and they have also fired on Ravindra Rai causing injury to him.



Submission of the learned counsel for the petitioners is that as per FIR itself there is no allegation of firing against the petitioners. The deceased was accused in 23 cases as such he has been killed in some other manner. It is also submitted that one of the co-accused Ashok Yadav against whom there is allegation of firing has already been granted bail by a Co-ordinate Bench of this Court, vide order dated 11.12.2019 passed in Cr. Misc. No.56702 of 2019 and the petitioner is in custody since 31.11.2019.

On the other hand the learned counsel for the informant has opposed the prayer for bail on the ground that there are allegation against all the accused persons of firing . There are altogether eight fire arm injuries on the person of the deceased which appears from the postmortem report and furthermore the injured Ravindra Yadav, who has received fire arm injury has also named this petitioner. It is further submitted that so far granting bail to Ashok Yadav is concerned as he was resident of some other district, considering the same he has been granted bail and prayer for bail of one Niranjana Yadav has been refused by a Co-ordinate Bench of this Court vide order dated 20.11.2019 passed in Cr. Misc. No.39777 of 2019 .

Heard learned A.P.P. also.



Having heard both sides and considering the submissions as made above it appears to be a gruesome murder of the deceased, as such I am not inclined to grant bail to the petitioner at this stage.

(Vinod Kumar Sinha, J)

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