

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87007 of 2019

Arising Out of PS. Case No.-72 Year-2018 Thana- KAUWAKOL District- Nawada

RAJESH YADAV @ RAKESH KUMAR Son of Baleshwar Yadav @
Kaleshwar Yadav Resident of Village - Bhaluana, P.S.- Chandradeep, District
- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 07-07-2020 The present case was heard at length on
6.7.2020 and it has been listed today for orders.

The petitioner seeks regular bail in connection
with Kawakole P.S. Case No. 72 of 2018, registered
for the offence punishable under Sections 147,
148, 149, 302 of the Indian Penal Code and Section
27 of the Arms Act.

The case of the prosecution according to the
informant, Sri Kamlesh Yadav, is that he along with
his other family members were loading wheat on a
tractor after thrashing the wheat crop at their
khalihan situated towards south Kanauli Badh of
the village. In the meantime, it is alleged that the



accused persons named in the F.I.R. including the petitioner herein had reached at the said place, armed with various weapons, whereafter the co-accused person, namely, Chandan Yadav had started firing indiscriminately on his cousin brother, namely, Babloo Yadav, resulting in him falling down, whereupon the other accused persons had also started firing. It is further alleged that the informant and his younger brother had then fled away and gone to the village as also narrated the occurrence to the villagers and then his uncle and others came to the khalihan and saw that the cousin brother of the informant was lying dead in the khalihan.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that though the petitioner is an accused in two other cases, however, he has got no complicity in the present case inasmuch as the informant has specifically named the co-accused person, namely, Chandan Yadav of having fired



gunshots from his rifle at his cousin brother, namely, Babloo Yadav. Lastly, it is submitted that similarly situated co-accused persons, namely, Baliram Yadav and Babloo Yadav have already been granted bail by coordinate Benches of this Court vide orders dated 22.4.2019 and 29.5.2020 passed in Criminal Miscellaneous No. 25974 of 2019 and Criminal Miscellaneous No. 78045 of 2019. At this juncture, it is submitted that the petitioner is languishing in custody since 26.8.2019 and if at all, any custodial interrogation was required, the police would have done so, however, in any case, charge-sheet has already been filed against the petitioner and other accused persons, thus, no prejudice would be caused in case, the petitioner is granted the privilege of regular bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record as also gone through the case diary. It is apparent from the records that the police has conducted



investigation and has filed charge-sheet in the present case as against the petitioner herein and other accused persons, hence, considering the period of incarceration of the petitioner herein as also taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted the privilege of bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Nawada in connection with Kawakole P.S. Case No. 72 of 2018.

(Mohit Kumar Shah, J)

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