

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12527 of 2021

Arising Out of PS. Case No.-145 Year-2017 Thana- BIKRAM District- Patna

1. RABINDRA YADAV @ RABINDRA PRASAD Son of Kamla Yadav Resident of Village - Nijampur Tola, P.S.- Bikram, Dist.- Patna.
2. Kamlesh Yadav @ Kamlesh Kumar Son of Rabindra Yadav @ Rabindra Prasad @ Ravindar Prasad Resident of Village - Nijampur Tola, P.S.- Bikram, Dist.- Patna.
3. Tetar Yadav @ Tetar Kumar Son of Late Baban Yadav Resident of Village - Nijampur Tola, P.S.- Bikram, Dist.- Patna.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Jainendra Kumar Pushkar, Advocate.
For the State	:	Mr. Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Lovekush Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-08-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioners apprehend their arrest in connection with Bikram P.S. Case No.145 of 2017 registered under Sections 302, 120(B), 307, 325, 341 and 323/34 of the Indian Penal Code.

The accusation is that in the evening of 06.06.2017, Nagendra Prasad, the son of the informant Laldeo Prasad, was going towards his field. In the way, 9 persons, named in the



F.I.R., including the petitioners variously armed with weapons surrounded the son of the informant and started to cause assault him. At that time, Borik Yadav alias Ashok Yadav gave iron rod blow at the head of the son of the informant, due to which he fell down having sustained injuries, and, thereafter, Borik Yadav alias Ashok Yadav also ordered to kill the son of the informant. Thereafter, the son of the informant was rushed for treatment at P.H.C. Vikram, from where he was referred to P.M.C.H., Patna, and he died in course of treatment.

Learned counsel for the petitioners submits that, earlier, while the prayer of the petitioners for grant of privilege of pre-arrest bail was rejected by this Court on merit vide order dated 22.06.2020 passed in Criminal Misc. No.81459 of 2019 but similarly situated two co-accused, namely, Ganauri Yadav and Satyendra Yadav, have already been granted the privilege of pre-arrest bail by this Court vide order dated 29.11.2017 passed in Criminal Misc. No.55720 of 2017 and two other co-accused, namely, Ram Sakal Yadav alias Ram Sakal and Sheorato Devi, have also been granted the privilege of pre-arrest bail by a Coordinate Bench of this Court vide order dated 04.10.2017 passed in Criminal Misc. No.46045 of 2017. As such, the prayer of the petitioners for grant of privilege of pre-arrest bail



may sympathetically be considered.

On the other hand, learned counsel for the informant opposed the prayer of the petitioners for grant of privilege of pre-arrest bail with the submission that, earlier, the prayer of the petitioners for grant of privilege of pre-arrest bail has already been rejected by this Court on merit vide order dated 22.06.2020 passed in Criminal Misc. No.81459 of 2019 but conceded that the similarly situated two co-accused, namely, Ganauri Yadav and Satyendra Yadav, have already been granted the privilege of pre-arrest bail by this Court vide order dated 29.11.2017 passed in Criminal Misc. No.55720 of 2017 and two other co-accused, namely, Ram Sakal Yadav alias Ram Sakal and Sheorato Devi, have also been granted the privilege of pre-arrest bail by a Coordinate Bench of this Court vide order dated 04.10.2017 passed in Criminal Misc. No.46045 of 2017.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-VI, Danapur, Patna, in connection with Bikram P.S. Case



No.145 of 2017, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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