

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23143 of 2021**

Arising Out of PS. Case No.-164 Year-2020 Thana- ROH District- Nawada

NARAYAN YADAV S/o Late Mahabir Yadav, Resident of Village- Mahkar,
P.S.- Roh, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Man Mohan Kumar, Adv.
For the Opposite Party/s	:	Mr.Dilip Kumar No.1, APP
For the Informant	:	Mr.Arun Prasad, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 16-08-2021 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 342, 323, 302, 307, 120B, 354, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case, in brief is that on 10.10.2020 informant's bufallow was grazing in the field where the informant Rinku Devi was cutting grass. At the same all the 18 FIR named accused persons including the petitioner armed with various weapons came there and surrounded her husband Sunil Yadav. It is also alleged that Pintu Yadav and Upendra Yadav



caught hold the hand of her husband and Vinod Yadav told to shoot him then Vinay Yadav @ Chhotu Yadav shot from his pistol on the chest of her husband Sunil Yadav causing fire arm injury on his chest and he fell down. When she tried to save then Ranjit Yadav fired from his pistol but fortunately it did not hit her. Thereafter, other accused persons started dragging her husband and when she tried to prevent then Asha Devi, Chintu Devi, Rinku Devi and Sinku Devi caught hold her hair-lock and thrashed her down. On hulla when villagers came there then all have fled away. It is also alleged that the informant claimed that all the aforesaid accused persons armed with deadly weapons murdered her husband and they are men of criminal nature and also accused in several cases.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and there is no allegation of overt act against him. The allegation against the petitioner alongwith other accused persons is that they had assaulted the deceased. There is specific overt act against co-accused, namely Vinay Yadav @ Chhotu Yadav who fired upon the deceased. The petitioner is languishing in judicial custody since



12.10.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 30.07.2021 passed in Cr. Misc. No.38189/2021.

Learned counsel for the informant as well as State vehemently opposed the prayer for bail application and submits that there is general and omnibus allegation against the petitioner. The petitioner and other accused persons had started dragging the dead body of the deceased.

Considering the fact that there is general and omnibus allegation against the petitioner and co-accused has been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Roh P.S. Case No. 164/2020 to the satisfaction of learned Court below where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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