

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36621 of 2021

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

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Varun Yadav @ Barun Yadav @ Varun Kumar S/O Kuldeep Yadav R/o
village- Alauli, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs.Rashmi Jha
For the Informant	:	Mr. Shekhar Kumar Singh
For the Opposite Party/s	:	Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 24-11-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Alauli P.S. Case No. 385
of 2018, registered for the offence punishable under Section 302
and other allied sections of the Indian Penal Code and section
27 of the Arms Act.

As per the prosecution case, while the informant was
talking with her husband and relative Ravindra Rai in the
meantime, all the FIR named accused persons along with 04 to
05 unknown came, abused them and made indiscriminate firing
upon the husband of informant. When the informant came to
save him, co-accused Kuldeep Yadav, Kailash Yadav and Sintu
Yadav stopped her by holding her hand and leg. Husband of the



informant died on the spot and her relative Ravindra Rai also sustained firearm injury and became severely injured.

It is submitted on behalf of the petitioner that allegation of firing is general and omnibus. No specific overt act has been alleged against this petitioner. It is further submitted that similarly situated co-accused person having identical allegation Ashok Yadav has been granted bail by this Court vide order dated 11.12.2019 passed in Cr. Misc. No. 56702 of 2019. Petitioner is in custody since 25.06.2020.

Counsel for informant however, vehemently opposed the prayer for bail and submitted that there is allegation against this petitioner of firing, as a result of which husband of informant died and Ravindra Rai also sustained firearm injury. As per postmortem report altogether 08 firearm injuries were found on the person of deceased and Ravindra Rai also named this petitioner. So far as case of co-accused Ashok Yadav is concerned, as he was resident of some other district, considering the same he has been granted bail. The bail applications of similarly situated co-accused Niranjana Yadav, Kuldip Yadav and Kailash Yadav have been rejected by this Hon'ble Court.

Considering the nature of accusation and materials available on record, I am not inclined to enlarge the petitioner



above-named on bail.

Accordingly, the bail application is rejected.

(Prabhat Kumar Singh, J)

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