

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40416 of 2020

Arising Out of PS. Case No.-404 Year-2019 Thana- ALOULI District- Khagaria

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1. PAPPU YADAV S/O PRAMOD YADAV RESIDENT OF VILLAGE-HATHWAN P.S. ALLOULI DISTRICT-KHAGARIA
 2. PRAMOD YADAV S/O LATE SHANKAR YADAV RESIDENT OF VILLAGE-HATHWAN P.S. ALLOULI DISTRICT-KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Praveen Kumar Agrawal, Advocate
Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 30-06-2021 Heard Mr. Mrityunjay Kumar, learned counsel for the petitioners, Mr. Praveen Kumar Agrawal, learned counsel for the informant and Mr. Jai Narain Thakur, learned counsel for the State through video conferencing.

Petitioners seek regular bail in connection with Allouli P.S. Case No. 404 of 2019, G.R. No. 3426 of 2019 registered under Section 302, 447, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is that petitioners along with other accused persons entered into the house of the informant and the petitioner no. 1 (Pappu Yadav) sat on the chest of the husband of the informant and



petitioner no. 2 (Pramod Yadav) caught the legs of the deceased and it was the co-accused / Raj Kumar Yadav @ Kari Yadav who fired upon the husband of the informant due to which he died.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and there is land dispute between the parties and the petitioners have been implicated in this case merely on the basis of the fact that they happen to be the brother and father of the co-accused / Raj Kumar Yadav @ Kari Yadav. Learned counsel next submits that petitioners are in custody since 19.09.2020 having no criminal antecedent.

On the other hand, learned counsel for the informant and State vehemently oppose the prayer for bail and submit that there is specific allegation against the petitioners that they with common intention entered into the house of the informant and committed murder of her husband and the informant claims to be an eye witness of the incident and has named specifically the petitioners along with others as such the petitioners do not deserve the privilege of bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record,



the fact that there is specific allegation against the petitioners who participated in the commission of the offence, I am not inclined to grant regular bail to the petitioners at this stage.

Accordingly, the prayer for grant of regular bail stands rejected.

However, the petitioners may renew their prayer for bail after six months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J)

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