

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.652 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- SHAMBHUGANJ District- Banka

RANDHIR YADAV, Son of Bijay Yadav Resident of Village- Nagel, P.S.-  
Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For the Petitioner/s | : | Mr.Md. Abdul Mannan Khan, Advocate |
| For the State        | : | Mr. Nawal Kishore, Prasad, APP     |
| For the informant    | : | Mr. Kamlesh Kumar Pathak, Advocate |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      09-03-2021                      Heard Mr. Md. Abdul Mannan Khan, learned Counsel for the petitioner, Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State and Mr. Kamlesh Kumar Pathak, learned counsel for the informant, through Video Conferencing.

This application, for grant of regular bail, arises out of Shambhuganj Police Station Case No. 149 of 2020, disclosing offences under Sections 147, 148, 149, 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report is that while the husband of the informant was cutting the branches of the Babool tree, petitioner along with other accused persons, 11 in number, having arms in their hand arrived at the



place of occurrence and started making indiscriminate firing. It has further been alleged that co-accused, Rupesh Yadav fired upon the husband of informant, due to which he died on the spot.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to dispute regarding cutting of Babool tree. Learned counsel next submits that the petitioner along with other accused persons, 11 in numbers, have been implicated in this case on the basis of general and omnibus allegation, however, there is specific allegation of firing upon the husband of the informant is against co-accused, Rupesh Yadav. From perusal of the Post-mortem report, it appears that only one gun shot injury was found on the person of the deceased.

On the other hand, learned counsel for the informant and State vehemently oppose the prayer for bail and submit that the petitioner is named in the FIR, who fired indiscriminately and in the firing, the husband of the informant died.

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



fact that there is general and omnibus allegation against the petitioner of firing and the petitioner is in custody since 24.07.2020 having no criminal antecedent and the chargesheet has already been submitted in this case, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Randhir Yadav, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Banka, in connection with Shambhuganj Police Station Case No. 149 of 2020.

It is made clear at the time of furnishing bail bond, all the parties shall follow the guidelines regarding social distancing.

**(Anil Kumar Sinha, J.)**

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