

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2776 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- GHOSI District- Jehanabad

1. Sunil Prasad S/o Kamala Yadav Resident of Village- Chunukpur, P.S.- Ghosi, Distt- Jehanabad.
2. Shailesh Yadav S/o Kamala Yadav Resident of Village- Chunukpur, P.S.- Ghosi, Distt- Jehanabad.
3. Nitish Kumar S/o Sunil Yadav Resident of Village- Chunukpur, P.S.- Ghosi, Distt- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.J.N.Thakur,A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-03-2021 Heard learned counsel for the parties.

The petitioners seek bail in Ghosi P.S. Case No. 273 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 04.07.2020 at 8.00 pm while the informant was at her *Dalan*, all the FIR named accused persons including these petitioners armed with deadly weapons came there and started abusing and asked about Rajeev. On *hulla*, mother-in-law, father-in-law, Rajeev Prasad and informant's husband Vimlesh Prasad came there and asked



not to abuse. Thereafter, all the accused persons attacked them and when informant's mother-in-law came to save, co-accused Lalit Yadav and Matang @ Ramanuj opened fire, as a result of which, she sustained gun shot injury. Thereafter, villagers gathered there and she was taken to the hospital for treatment.

It is submitted on behalf of the petitioners that there is general and omnibus allegation against these petitioners. Specific allegation of firing is against co-accused Lalit Yadav and Matang @ Ramanuj. There is case and counter case and present case is counter blast of Ghosi PS Case No. 274 of 2020 which was instituted on 04.07.2020 by Lalu Kumar against the informant side. It is further submitted that two similarly situated co-accused namely Lalu Yadav and Pintu Kumar have already been granted bail by this Court, vide order dated 03.03.2021 passed in Cr.Misc. No. 1688 of 2021 and order dated 05.03.2021 passed in Cr.Misc. No. 1433 of 2021 respectively. Petitioners are in custody since 05.07.2020. Chargesheet has already been submitted.

Considering the fact that specific allegation of firing is against co-accused Lalit Yadav and Matang @ Ramanuj and two similarly situated co-accused have already been granted bail by this Court, the bail application of petitioners is allowed.



Let the above named petitioners be released on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Ghosi P.S. Case No. 273 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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