

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15438 of 2021**

Arising Out of PS. Case No.-134 Year-2020 Thana- LAUKAHA District- Madhubani

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1. Bhagat Yadav aged about 78 years S/o Late Hokai Yadav Resident of Village- Rampur, P.S.- Laukaha, District- Madhubani.
 2. Pawan Yadav aged about 51 years S/o Kushe Yadav Resident of Village- Rampur, P.S.- Laukaha, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhu Prasun, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 01-07-2021 Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of regular bail in a case registered for the offence punishable under section 302 and other allied sections of the Indian Penal Code.

As per the prosecution case, 14 named accused persons including the petitioners, armed with weapons, surrounded the father of the informant and made indiscriminate firing in which informant's father died.

Learned counsel for the petitioners submits that the allegation of firing is general and omnibus and there is no



specific allegation of firing against the petitioners and similarly situated co-accused Ashok Yadav has already been allowed bail by a co-ordinate bench of this Court vide order dated 9.4.2021, passed in Cr.Misc.No. 3392/2021. Petitioners have claimed clean antecedent and they are in custody since 23.9.2020.

Learned counsel for the informant opposes the prayer for bail submitting that the petitioners are named in the FIR.

Considering the facts and circumstances of the case and the fact that there is general and omnibus allegation of firing against the petitioners and the investigation is complete, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist class Jhanjharpur in Laukaha Police Station Case No. 134/2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court 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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