

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5760 of 2022**

Arising Out of PS. Case No.-552 Year-2021 Thana- SHEKHPURA District- Sheikhpura

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1. Gangal Yadav, Son of Indradev Yadav, Resident of Village- Pathlafar, P.S.- and District- Sheikhpura.
2. Indradev Yadav, Son of Late Baldev Yadav, Resident of Village- Pathlafar, P.S.- And District- Sheikhpura.
3. Sharvan Yadav, Son of Arjun Yadav, Resident of Village- Dullapur, P.S.- Hathiyawan, District- Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 10802 of 2022**

Arising Out of PS. Case No.-552 Year-2021 Thana- SHEKHPURA District- Sheikhpura

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Subodh Kumar @ Subodh Kumar Yadav, Son of Late Suresh Yadav Resident of Village Budhauri Mahadeo Nagar, P.S. and District - Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 5760 of 2022)

For the Petitioner/s : Mr. Manohar Pd. Singh, Advocate  
Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 10802 of 2022)

For the Petitioner/s : Mr. Manohar Pd. Singh, Advocate  
Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      09-11-2022                      Since both the applications arise out of Sheikhpura P.S. Case No. 552 of 2021, as such, they have been taken together and are being disposed of by this common order.



Heard learned counsel for the petitioners and learned APP for the State.

In the present case, the petitioners seek bail in connection with Sheikhpura P.S. Case No. 552 of 2021 registered for the alleged offences under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioners and other co-accused persons making an unlawful assembly and they were variously armed, came to the house of the informant and opened fire with rifle and pistol. The younger brothers of the informant received injuries of firearm in their right hands. On alarm being raised, the assailants fled away from the spot. However, just after some time, they assembled again and assaulted the informant. When the father of the informant tried to save him, the co-accused Debu Yadav fired from his rifle and the shot hit in the chest of the father of the informant who became seriously injured and subsequently died.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner Gangal Yadav is the brother of co-accused Debu Yadav whereas, the petitioner Indradev Yadav is



the father of Debu Yadav and the petitioner Sharvan Yadav is the father-in-law of the son of the co-accused Debu Yadav. All of them are living separately from this co-accused. The false implication is apparent as the informant in his restatement named the petitioner Sharvan Yadav stating that he has not taken his name in the FIR by mistake. Similarly the petitioner Subodh Kumar has been falsely implicated in this case as he is a close relative of co-accused Debu Yadav. There is a case and counter case between the parties and the wife of the co-accused Debu Yadav has lodged a case bearing Sheikhpura P.S. Case No. 553 of 2021 under Sections 341, 323, 325, 504, 34 of the Indian Penal Code. The learned counsel further submits that even on the facts of the FIR, it is clear that all the petitioners are stated to be members of a mob and from their assault, the victims suffered only simple injuries as it came up in the injury report of Sonu Yadav and Nandan Yadav during investigation. The allegation of firing the fatal shot is against co-accused Debu Yadav and this occurrence is subsequent to the first occurrence. The petitioners namely, Gangal Yadav, Indradev Yadav and Sharvan Yadav are in custody since 01.11.2021 whereas, the petitioner Subodh Kumar is in custody since 15.11.2021. The charge sheet has been submitted.



Learned APP opposes the prayer for bail submitting that the petitioners making unlawful assembly assaulted the brothers of the informant and they further assaulted the informant and in their subsequent assault, the father of the informant lost his life.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation which is non-specific against the petitioners and the injuries attributed to them are stated to be simple in nature and further considering the submission of charge sheet and period of custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No. 552 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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