

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13497 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. DOMAN YADAV S/o Late Shree Lal Yadav R/o Vill.- Siraiya, P.S.- Sahebpur Kamal, Dist. - Begusarai.
 2. JAWAHAR YADAV S/o Doman Yadav R/o Vill.- Siraiya, P.S.- Sahebpur Kamal, Dist. - Begusarai.
 3. RAMASHISH YADAV S/o Doman Yadav R/o Vill.- Siraiya, P.S.- Sahebpur Kamal, Dist. - Begusarai.
 4. JAI KISHAN KANHAIYA S/o Jawahar Yadav R/o Vill.- Siraiya, P.S.- Sahebpur Kamal, Dist. - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey
For the State		Mr.Parmeshwar Mehta, APP
For the informant		Mr. Ebadur Rahman Sakeb

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-07-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioners and the

State as well as learned counsel for the informant.

Petitioners seek regular bail in a case registered for

the offence punishable under Sections 302, 120B, 354B and

other allied sections of the Indian Penal Code and section 27 of

the Arms Act.

Allegedly, present petitioners and co-accused persons



armed with **lathi, danta**, iron rod, sword surrounded the family members of the informant and thereafter assaulted her and her family members and also molested female members of the family. Co-accused Adarsh Kumar @ Nunu Babu shot at the foot of her husband as a result of which he fell down, thereafter, co-accused Gopal @ Govind Gopal shot at the stomach of her husband as a result of which her husband became unconscious, he was taken to Primary health center where doctor declared him dead and petitioners Ramashish Yadav, Jawahar Yadav and Jai Kishan Kanhaiya are alleged to have iron rod and sword and petitioner Doman Yadav is alleged to have instigated other accused persons to commit murder of husband of the informant.

The main submissions advanced by the learned counsel for the petitioners are that petitioner nos. 1 and 2 are old persons and admittedly, land dispute is going on in between the parties and as per prosecution story two persons are stated to have sustained injury in the alleged occurrence whose injury reports have been submitted as vide annexure 2 series and doctor has opined that their injuries were caused by hard and blunt object and petitioners have been languishing in jail since 17.8.2021.

Learned APP appearing for the State and learned



counsel for the informant have opposed the prayer for bail and submitted that against the petitioners, there is specific allegation and petitioners and family of the deceased are living in the same house having separate entrance, there is no male member in the family of the informant.

Heard both sides and perused the FIR as well as Annexure 2 series which relates to injury reports of injured persons of this case. The manner of occurrence mentioned in the FIR shows that accused persons including petitioners committed the occurrence in a planned manner and co-accused persons namely, Adarsh Kumar @ Nunu Babu and Gopal @ Govind Gopal caused firearm injury to the deceased and as per allegation Ramashish Yadav, Jawahar Yadav and Jai Kishan Kanhaiya used iron rod and sword and other weapons in the commission of the alleged occurrence and their specific role has been in the alleged occurrence revealed by the informant. Considering the discussed facts as well as the informant's plea that there is no male person in the family of the deceased and family of the accused persons and prosecution party are residing in the same house, in my view, petitioner nos. 2, 3 and 4 do not deserve privilege of bail and accordingly, their prayer for bail stands rejected.



So far as petitioner no.1 is concerned, he is stated to be 90 years old person and according to the allegation mentioned in the FIR, he is alleged to be an order giver as such he deserves the privilege of bail, his prayer for bail stands allowed.

Let the petitioner no. 1 (Doman 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 the Chief Judicial Magistrate, Begusarai in Sahebpur Kamal P.S Case No. 176 of 2021.

(Shailendra Singh, J)

s.hassan/-

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