

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24000 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- DULHIN BAZAR District- Patna

SUJEET KUMAR @ MEWALAL Son of Sideshwar Yadav @ Sudeshwar
Yadav Resident of village - Sarkuna, P.S.- Dulhin Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28313 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- DULHIN BAZAR District- Patna

GAJENDRA YADAV @ GAJENDRA KUMAR Son of Sidheshwar Yadav @
Sudeshwar Yadav Resident of Village - Sarkuna, P.S. - Dulhin Bazar, District
- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28699 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- DULHIN BAZAR District- Patna

MUKESH YADAV Son of Binod Yadav Resident of Village- Sarkuna, Police
Station- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24000 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate.

For the State : Mr.Akshay Lal Pandit, APP.

(In CRIMINAL MISCELLANEOUS No. 28313 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Sinha, Advocate.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP.

(In CRIMINAL MISCELLANEOUS No. 28699 of 2021)

For the Petitioner/s : Mr.Parashuram Singh, Advocate.

For the Opposite Party/s : Mrs. Rina Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER



2 18-01-2022 Heard Mr. Vikram Deo Singh, Mr. Ashok Kumar Sinha and Mr. Parshuram Singh, learned counsels for the petitioners in all the three bail applications which have been heard together and are being disposed of by this common order.

The petitioners seek bail in anticipation of their arrest in connection with Dulhin Bazar P.S. Case No. 112 of 2020 instituted for the offences under Sections 302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners, in all the three bail applications, are said to have been identified by the informant as having fired at the deceased (elder brother of the informant), as a result of which he died. In the same breath, the informant has named other accused persons as conspirators.

The learned counsels for the petitioners in all the cases have submitted that because of the old enmity, the aforesaid case has been lodged with false accusation against the petitioners. It has been further submitted that there is no concurrence in the ocular testimony and the injury suffered by the deceased.

Apart from this, it has been submitted that all those persons who were not in the good books of the informant have been made accused in this case and some of them have been



attributed with the role of the conspirators only.

The learned counsel for the petitioners has further submitted that some of the persons who are named as conspirators in this case have been granted anticipatory bail by different Benches of this Court, the details of which have been provided in the respective bail petitions. However, it has been pointed out very fairly that none of the persons who are said to have been identified as having taken part in the assault have been granted anticipatory bail. One amongst them, however, was granted regular bail by the court below.

The learned counsel for the petitioners has prayed for grant of anticipatory bail on the above noted grounds, especially that there is no specific accusation against anyone of them of having caused the fatal injury leading to death of the deceased.

It has also been argued in this case that the accusation is false because the F.I.R. was lodged after the inquest and the post mortem report. The learned counsel for the petitioners submits that only after looking at the injury report, specific accusations have been levelled against the accused persons. Thus it has been submitted that the averments in the F.I.R. cannot be taken to be sacrosanct; at least for the purposes of grant of bail.



Be that as it may, considering the fact that the petitioners have been identified as the persons who have participated in the occurrence, I am not inclined to grant anticipatory bail to them.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the Court below and seek bail, aforesaid grounds shall be taken into account, viz no specific accusation against the petitioners and regular bail having been granted to one of the persons who was identified as having participated in the occurrence, and the court below shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail applications on their behalf have not been entertained.

The applications stand dismissed.

(Ashutosh Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

