

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20103 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- BARHARA District- Bhojpur

Ravindra Yadav, Son of Bakola Yadav R/o Village- Kowal Chapra, P.S.-
Barhara, O.P.- Sinha, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20856 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- BARHARA District- Bhojpur

Gorakh Yadav @ Surendra Yadav S/o Ramchandra Yadav @ Surendra Yadav
R/o Village- Kowal Chapra, P.S.- Barhara, O.P.- Sinha, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20103 of 2022)

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 20856 of 2022)

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-09-2022 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioners and Mr. Shantanu Kumar and Mrs.
Asha Devi, learned A.P.Ps. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.



The petitioners seek regular bail in connection with Barhara (Sinha O.P.) P.S. Case No. 15 of 2021 for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation made in the F.I.R, petitioners along with other co-accused persons killed the elder brother of the informant, namely, Parmatma Yadav by causing gunshot injury. The postmortem reveals one gunshot injury to be the cause of death. The reason behind the murder is that the petitioners and other co-accused named in the F.I.R were on inimical terms which led to the murder of the elder brother of the informant.

Learned counsel appearing on behalf of the petitioners submitted that the deceased was last seen with one co-accused Kashi Yadav who had brought the elder brother of the informant at the place of occurrence where all the co-accused persons with common intention killed the elder brother of the informant. In this regard, learned counsel has drawn attention of this court to the post mortem report in which the deceased has sustained only one gun shot injury which led to his death. In want of any eye witness, the said injury cannot be attributed to the present petitioners as suspicion of alleged murder has been raised by the



informant on altogether six persons named in the F.I.R. Learned counsel further submits that petitioners are having clean antecedent and they are in custody since 04.02.2022 and 24.12.2021 respectively. On these grounds, the petitioners seek to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners and submits that complicity of the petitioners cannot be denied in the alleged murder of the deceased, though in absence of any eye witness, the gun shot injury in chest which led to the death of the elder brother of the informant cannot be attributed to the present petitioners.

Considering the rival submissions of the parties, from bare perusal of the F.I.R., it appears that informant has held responsible altogether six persons for murder of his elder brother, the deceased was last seen with one co-accused Kashi Yadav and there is one gun shot injury on the chest of the deceased which is corroborated with the postmortem report but in absence of any eye witness to the alleged incidence, the same cannot be attributed to have been assaulted by the present petitioners. Petitioners have clean antecedent, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future, the petitioners, above named,



are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur, Ara in connection with Barhara (Sinha O.P) P.S. Case No. 15 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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