

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35367 of 2021**

Arising Out of PS. Case No.-343 Year-2019 Thana- SAHPUR District- Bhojpur

Rahul Yadav @ Rahul Kumar, S/o Ganesh Prashad, Resident of Village-
Charpokhari, P.S.- Charpokhari, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ravindra Kumar, Advocate
For the Opposite Party/s :	Mr. Damodar Prasad Tiwary, APP
For the Informant :	Mr. Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 27-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravindra Kumar, learned counsel for the petitioner and Mr. Manoj Kumar Singh, learned counsel for the Informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sahpur P.S. Case No. 343 of 2019 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 11.12.2019 a scuffle took place with the brother-in-law of the informant over the matter of dashing of motorcycle, upon which the petitioner along with other accused persons came at the door



of the informant and co-accused Binod Yadav fired upon the brother-in-law of the informant, due to which he sustained fire-arm injuries thereafter he was taken to hospital for treatment. It is further alleged that in the night, when the husband of the informant was going to see his injured brother, the informant saw that a Scorpio was standing on road, and near the Scorpio co-accused Binod Yadav, Lallu Yadav, Baleshwar Yadav, Ravi Kumar Yadav, Pintu Singh and this petitioner (servant of Binod Yadav) having armed with rifle, gun and pistol were also standing there. It is further alleged that all of them surrounded her husband and co-accused Binod Yadav shot him, due to which he received fire-arm injury on his back and succumbed to his injuries.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner being the servant of Binod Yadav, he has been implicated in this case. However, there is specific allegation of causing fire-arm injury against co-accused Binod Yadav and so far the other accused persons are concerned, there are general and omnibus nature of allegation against them. He next submitted that during the course of investigation, no other material against the petitioner except the allegation of accompanying the co-accused Binod Yadav has



come. It is also submitted that investigation of the present crime is already completed and charge-sheet has been submitted, however, this petitioner is in custody since 05.07.2020.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he was having armed with rifle surrounded the deceased and actively participated in the crime. It is also submitted that the petitioner has been found involved in four other criminal cases.

Learned APP for the State supported the submissions made on behalf of learned counsel for the informant.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is specific allegation against co-accused Binod Yadav, who fired upon the deceased resulting into the death of the husband of the informant. So far the allegation against this petitioner is concerned there is general and omnibus in nature, apart from the fact that investigation of the crime has already completed and the petitioner is in custody since 05.07.2020 and moreover the petitioner is already on bail in other cases, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sahpur P.S. Case No. 343 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The petitioner will not indulge in tampering with the evidence or intimidate the witnesses and if he would found in such incidence, then the informant will be at liberty to file application before the court below in this regard and the learned court below will pass appropriate order.

(Harish Kumar, J)

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