

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31916 of 2021

Arising Out of PS. Case No.-93 Year-2011 Thana- WAJIRGANJ District- Gaya

1. RAM DAHIN YADAV S/o- Late Bhola Yadav Resident of Village- Naudiha, P.S.- Tankuppa, District- Gaya.
2. Rameshwar Yadav S/o- Late Bhola Yadav Resident of Village- Naudiha, P.S.- Tankuppa, District- Gaya.
3. Shambhu Yadav S/o- Bhojal Yadav Resident of Village- Naudiha, P.S.- Tankuppa, District- Gaya.
4. Sanjay Yadav S/o- Shukhdeo Yadav Resident of Village- Naudiha, P.S.- Tankuppa, District- Gaya.
5. Rajesh Yadav @ Bugal Yadav Son of Shukhdeo Yadav Resident of Village- Naudiha, P.S.- Tankuppa, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Dhaneshwar Vashist, Advocate Mr. Arya Achint, Advocate.
For the Opposite Party/s :		Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 23-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek regular bail in connection with
Wazirganj P.S. Case No. 93 of 2011 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code
1860 and Section 27 of the Arms Act.

The allegation as per the First Information Report is
that the petitioner along with other accused persons resorted to
indiscriminate firing in which aunt of the informant namely,



Vidyapati Devi sustained injury and subsequently died.

Learned counsel for the petitioner submits that the petitioners have falsely been implicated in this case due to village politics and they have got no criminal antecedent. He further submits that the petitioners were not aware about the fact that they have been made accused in the present case and in the year 2017 the charge-sheet was filed by the Police but no summons or warrant of arrest was issued against the petitioners. He next submits that after knowing about the present case, the petitioners have surrendered before the court below and one of the co-accused namely, Karu Yadav @ Karu Prasad has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 34278 of 2019. The petitioners are in custody since 3.2.2021.

On the other hand, learned counsel for the State referring to the case diary submits that the Police had applied for arrest warrant whereafter nothing has happened and the petitioners were never declared as absconder.

Regards being had to the submission made by the parties and taking into consideration the fact that the allegation against the petitioners is general and omnibus in nature and the similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, they are in custody since 3.2.2021,



charge sheet has already been submitted and the trial is not likely to be concluded in near future, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular 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 Additional Chief Judicial Magistrate 1st, Gaya, in connection with Wazirganj P.S. Case No. 93 of 2011.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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