

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18482 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- PASRAHA District- Khagaria

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Brajesh Yadav Son of Shambhu Yadav Resident of Village - Bandehra, P.S.-
Pasraha, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 27684 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- PASRAHA District- Khagaria

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Ganesh Yadav S/o Late Sukhdev Yadav R/o Village/Mohalla- Piparpanti, P.S.-
Pasraha, District- Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 18482 of 2022)

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

(In CRIMINAL MISCELLANEOUS No. 27684 of 2022)

For the Petitioner/s : Mr. Avinash Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 31-08-2022 Let the defect as pointed out be removed within two
weeks from today.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with
Pasraha P.S. Case No. 69 of 2021 (G.R. No. 1608 of 2021)

lodged under Sections 302, 307/34, 120(B) of the Indian Penal Code read with Section 27(3) of the Arms Act.

As per the prosecution case, the informant Poonam Devi has stated that she alongwith her husband (deceased) and Indradeo Yadav were going towards *Basa* then total 11 named accused persons have surrounded them. Accused Ganesh Yadav has ordered, upon which accused Brajesh Yadav, Mukesh Yadav and Deepak Yadav had fired on the head of the deceased, in result he fell down. It has been further alleged that accused Pappu Yadav, Subodh Yadav and Ganesh Yadav had fired in the stomach of the deceased, thereafter they fled away.

Learned counsel for the petitioners submit that the petitioners are innocent. They submit that the deceased is a dreaded criminal of the locality and there are in total 7 criminal cases (described in paragraph no.12 of the petition). Learned counsel for the furthers further submits that there are series of enemies of the deceased and anyone of them might made attack on him. They further submits that as per the allegation made in the F.I.R. there is an alleged dispute between both the parties. They further submits that case diary has been called for alongwith the postmortem report, in the postmortem report there are only 2 gunshot injury on the person of the deceased, one is

at the head and another is at the stomach but the allegation of firing as per F.I.R. is upon 3 persons in the head and 3 persons on the stomach which is practically not possible as such learned counsel for the petitioners submit that all those allegations made in the F.I.R. may be treated to be a general and omnibus allegation and no conclusion could be drawn from the same. Learned counsel for the petitioners further submit that petitioner of Cr. Misc. No. 18482 of 2022 is in custody since 30.10.2021 whereas the petitioner of Cr. Misc. No. 27684 of 2022 is in custody since 02.11.2021, chargesheet has already been filed in this case. On the point of criminal antecedent of petitioners, learned counsel for the petitioner of Cr. Misc. No. 18482 of 2022 submits that there is 5 cases pending against him in which he is on bail in 4 cases whereas learned counsel for the petitioner of Cr. Misc. No. 27684 of 2022 submits that there is only 2 case against him in which he has been acquitted in one case and in another case he is facing trial (on bail). They further submit that petitioners are read to fulfill all the conditions whatsoever it may be, imposed upon them.

Learned counsel for the State opposes the prayer for bail and submits that petitioner of Cr. Misc. No. 18482 of 2022 is appears to be the habitual offender and there are in total 5

criminal cases pending against him, if they shall be released there is a chance of distorting the evidence against them.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present but they may renew their prayer for bail only after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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