

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26362 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- BHEJA District- Madhubani

Yogendra Yadav @ Jogindra Yadav Son Of Chhedi Yadav Resident Of
Village- Koriyaghat, P.S- Bheja, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The prosecution story in the FIR is that all the
accused persons including the petitioner herein, variously armed
were constructing house on a land which the informant claims to
be their. As the informant and his family members objected the
said construction, it is alleged that accused persons started
assaulting and it is further alleged that accused Sunil Yadav
and Mahesh Yadav used iron rod to hit the head of his uncle
causing grievous injury to him. Further allegation is that one
Suresh Yadav opened fire which hit the stomach of informant's
brother Lalan Yadav who subsequently succumbed to his



injuries.

So far as this petitioner is concerned, it is alleged that he along with accused Bal Kishore Yadav, Ramesh, Dilip and Yogindra opened fire causing panic in the area. As the villages started assembling, all the accused persons fled away. Both the injured were taken to primary health center and thereafter to Dharbhanga Medical College and Hospital where Lalan Yadav died and his uncle was under treatment.

Learned counsel for the petitioner submits that perusal of the FIR shows that the informant has named the persons alleged to be behind the killing/injuring his brother/uncle. Further the specific allegation against Suresh Yadav is of opening fire and killing his brother and there is just omnibus allegation against the other accused persons including the petitioner herein.

It is his further submission that two of the co-accused namely Bhumi Yadav and Naresh Yadav have since been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 22884 of 2022 on 17.5.2022.

Let the same be kept on record.

Taking into account the fact that the specific allegation of killing is upon Suresh Yadav as also of assault on



Lalan Yadav, there is omnibus allegation against the petitioner coupled with the fact that he is in custody since 15.12.2021 (as stated in para-16 of the bail application) and as per para-3 has no criminal antecedent as also the fact that two co-accused have since been enlarged on bail as stated aforesaid, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Jhanjharpur, Madhubani, in connection with Bheja P.S. Case No. 47 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or



threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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