

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40625 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

1. Babbu Yadav @ Nitish Kumar Son Of Sunil Yadav Resident Of Village- Khurd Kajrauli, P.S.- Kajraili, District- Bhagalpur.
2. Piyush Yadav @ Piyush Kumar Son Of Mithilesh Yadav Resident Of Village- Khurd Kajrauli, P.S.- Kajraili, District- Bhagalpur.
3. Bikash Yadav @ Sibiya @ Sobiya Yadav Son Of Dhananjay @ Dhanni Yadav Resident Of Village- Kajraili, P.S.- Kajraili, District- Bhagalpur.
4. Mukesh Yadav @ Mukesh Kumar Yadav Son Of Dhananjay @ Dhanni Yadav Resident Of Village- Kajraili, P.S.- Kajraili, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate.
For the Opposite Party/s : Mr. Satyendra Nr. Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 06-06-2022 Heard Mr. Indeshwari Prasad Mandal, learned counsel for the petitioners and Mr. Satyendra Nr. Singh, learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Kajraili P. S. Case No. 25 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code and Section 27 of the Arms



Act.

As per the prosecution case, it is alleged that on 29.03.2021 while the informant along with his *sarhu*, namely, Sintu Yadav was going to his house, all the accused persons intercepted them and co-accused Ankit Yadav @ Milka fired upon the informant which hit his *sarhu*, Sintu yadav. It is also alleged that other co-accused persons also fired in order to create havoc in public.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioners submits that there is specific allegation of firing against co-accused Ankit Yadav and so far these petitioners are concerned, there are general and omnibus allegation of firing against them. It is further submitted that prior to the institution of the present case, the petitioner no. 4 had also instituted Kajraili P. S. Case No. 24 of 2021 on 29.03.2021 itself and the present case is nothing but a counter blast to the earlier one, instituted by implicating all the persons as accused in the present case. It is next submitted that all these petitioners do not have any criminal antecedent but only in order to pressurize them and they have



been implicated in the present case though they are ready to give undertaking that they will co-operate in the investigation and conclusion of the trial.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that there is a specific allegation of firing against all the petitioners.

Having considered the submissions made on behalf of the parties and taking into account that there is general and omnibus allegation against all these petitioners, so far the specific allegation is concerned, the same has been attributed against the co-accused, who is not petitioner before this court, apart from the fact that all the petitioners do not have criminal antecedent, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIV, Bhagalpur in connection with Kajraili P. S. Case No. 25 of 2021, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with Following conditions:-



- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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