

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42693 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- RAHUI District- Nalanda

SHAILESH YADAV Son of Shiv Balak Yadav Resident of Village - Saidalli,
P.S.- Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ashok Kumar Mishra
For the Opposite Party/s :	Mr. Ashok Kumar, APP
For the Informant :	Ms. Priya Shrivastava, Adv. Mr. Prashant Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2022 Heard.

The petitioner seeks regular bail in connection with Rahui P.S. Case No. 239 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324 and 302 of the Indian Penal Code.

The allegation is regarding a quarrel having taken place in between the members of the prosecution side and the accused persons including the petitioner herein, where-after upon the order of the co-accused person namely Sunil Prasad, one co-accused person namely Dayanand Yadav is stated to have taken out pistol from his waist and had shot at the brother of the informant, resulting in his death.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 24.03.2021. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of overt act and the allegation of firing gun shot is against the co-accused person namely Dayanand Yadav. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.3.2021 passed in Cr. Misc. No. 553 of 2021.

Per contra, the learned APP appearing for the State, Shri Ashok Kumar and the learned counsel for the informant Ms. Priya Shrivastava and Prashant Sinha have vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted



the privilege of anticipatory bail by a co-ordinate Bench of this Court, apart from the fact that there is no allegation against the petitioner of having engaged in any sort of overt act, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st, Biharsharif, Nalanda in connection with Rahui P.S. Case No. 239 of 2020.

(Mohit Kumar Shah, J)

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