

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42533 of 2021**

Arising Out of PS. Case No.-110 Year-2020 Thana- SONBERSA District- Saharsa

1. WOKIL YADAV S/O LATE GANGA YADAV
2. Sumit Yadav S/o Jawahar Yadav
Both are R/o village - Suhath, Tema Tola, Ward No. - 16, P.S. - Sourbazar,
District - Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 15-02-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with
Sonbersa Raj P.S. Case No. 110 of 2020 instituted for the
offences under Sections 341, 323, 324, 307, 379, 504, 506/34 of
the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the
petitioners are in custody since 08.02.2021, are persons with
clean antecedent and charge-sheet has been submitted in this
case.

The informant alleges that his son (injured) was



threatened by Jawahar Yadav on account of some political dispute on 29.07.2020, accordingly the injured along with Md. Imdad had gone to the police station and while they were returning to their village, when near a bamboo orchard at Sirrahi turning the named accused persons including the petitioners surrounded and it is alleged that on orders of Jawahar Yadav, Amit Yadav fired at the son of the informant causing injury on his face, thereafter all the accused persons including the petitioner no. 2 fired indiscriminately causing six bullet injury to the son of the informant and two bullet injuries to Md. Imdad and also snatched gold chain and money, the informant also claimed to have witnessed the occurrence as he along with his brother were coming from behind and were chased when accused Amit Yadav saw them, further reason for delay in instituting the FIR is that informant got engaged in treatment of his son.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated with general and vague allegation, it is further submitted that the informant who claims to be an eyewitness roped thirteen named accused persons in the FIR but the police after investigation submitted final form in favour of nine of the accused. Learned counsel further submits



that petitioner no. 1 is aged about 57 years and petitioner no. 2 is aged about 23 years. Further petitioner no. 2 is a student of M.H.M. Evening College, Saharsa and was to appear in the examination of B.A. Honours, Part-1 for which admit card was also issued but on account of his false implication, the petitioner no. 2 could not appear in the examination. Learned counsel further submits that from perusal of para 83 of the case diary, it would manifest that though injuries on the son of the informant and Md. Imdad has been caused by firearm but all the injuries are simple in nature, learned counsel further submits that if the informant was an eyewitness to the occurrence then definitely and with certainty he would have taken the specific name of the accused who fired at the injured but the allegation of indiscriminate firing is general and omnibus in nature.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted, petitioner no. 2 is a student and allegation of indiscriminate firing appears to be general and omnibus, let the petitioners above named be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate, 1st Class, Saharsa in connection with
Sonbersa Raj P.S. Case No. 110 of 2020.

(Satyavrat Verma, J)

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