

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47557 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- JAGDISHPUR District- Bhojpur

Indradev Yadav @ Indradeo Yadav, S/o Late Daroga Yadav, Resident of
Village- Rupbandh, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Rajani Ranjan Prasad Singh, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with S.Tr. No. 139 of 2021, arising out of Jagdishpur
P.S. Case No. 06 of 2020, for the offences punishable under
Sections 147, 148, 149, 307, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, it is alleged that on
09.01.2020 at about 6.30 P.M. while the informant and his
brother Saheb Yadav were returning to home, in the meantime,
all the F.I.R. named accused persons and 4-5 unknown persons



surrounded them and started abusing, which was objected by his brother on which co-accused Harendra Yadav and Birendra Yadav ordered to kill him. Thereupon, Yoagendra Yadav and Vikash Yadav caught his brother and accused Vinod Yadav fired on his temporal region, due to which he succumbed to the injuries. It is also alleged that this petitioner along with others also fired upon the informant.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is specific allegation against co-accused Vinod Yadav, who fired on the temporal region of the brother of the informant, due to which he died. So far the other allegation with regard to catching hold of the deceased is concerned that has been attributed to one Yogendra Yadav and Vikash Yadav. It is further submitted that there is general and omnibus allegation against this petitioner. It is also submitted that co-accused person Yogendra Yadav, against whom there is allegation of catching hold of the deceased, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 2564 of 2021 vide order dated 22.06.2021, the copy of which has been produced before this Court and the same is kept on record. It is also submitted that co-accused Nand Kishore Yadav and Harendra Yadav have also been enlarged on bail by different



co-ordinate Benches of this Court in Cr. Misc. No. 48968 of 2021 and Cr. Misc. No. 71343 of 2021 vide order dated 08.04.2022 and 23.05.2022 respectively. It is lastly submitted that this petitioner is in custody since 16.01.2021 having fair antecedent, though investigation of the crime has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is allegation of firing against this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation against the petitioner and other co-accused persons having similar allegation have been granted bail by different co-ordinate Benches of this Court and the parity also demands similar treatment, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Bhojpur at Ara in connection with S.Tr. No. 139 of 2021, arising out of Jagdishpur P.S. Case No. 06 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as



follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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