

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54448 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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ALOK YADAV S/o Late Ghutar Yadav @ Krishna Yadav R/o village -
Kabirpur, P.S. - Shekhopur Sarai, District - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Arvind Kumar, Advocate
For the Informant	:	Mr. Manish Kumar No. II, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-04-2022 Heard learned Senior Counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

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

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code read with Section 27 of the Arms Act.

Learned Senior Counsel for the petitioner submits that
the petitioner is in custody since 06.07.2021, charge-sheet has
been submitted and has antecedent of one case.

The informant alleges that he saw the petitioner along
with 11 named accused persons who were in a Scorpio vehicle



getting down from the vehicle and shot the nephew of the informant, namely, Heman @ Vikash Kumar, who received 10-12 gunshot injury.

Learned Senior Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of firing is general and omnibus in nature. It is further submitted that one Ghutar Yadav had four sons, namely, Alok Yadav (petitioner), Dheeraj Yadav, Niraj Yadav and Dayanand Yadav. It is further submitted that Ghutar Yadav was killed for which the present petitioner instituted Sheikhopur Sarai P.S. Case No. 23 of 2020 under Sections 307, 302 and 34 of the Indian Penal Code. In the said case, the present informant was also an accused.

Learned Senior Counsel for the petitioner, thus, submits that all the four sons of Ghutar Yadav have been made an accused in the present case. It is submitted that it absolutely does not stand to reason that the son had already instituted the aforesaid FIR with regard to killing of his father by the present informant and the other accused persons then why the petitioner would kill the nephew of the informant. If the petitioner had any grievance or enmity that was with the informant and other



named accused persons of the said FIR. Learned Senior Counsel submits that it appears that the deceased was killed and the informant took the same as an opportunity to implicate the sons of Ghutar Yadav along with the petitioner to create pressure upon them in order to coerce them so that they do not pursue the aforesaid Sheikhopur Sarai P.S. Case No. 23 of 2020.

Learned counsel for the informant and the learned A.P.P. opposed the bail application and submits that there is allegation of indiscriminate firing by the named accused persons including the petitioner and the deceased received 10-11 gunshot injury and since the parties were on inimical term, as such, the petitioner along with other accused persons killed the nephew of the informant. Learned counsel for the informant further submits that bail of the co-accused Sophal Yadav has been rejected by order dated 28.10.2021 in Cr. Misc. No. 33849 of 2021 and co-accused Vikash Yadav by order dated 17.01.2022 in Cr. Misc. No. 38200 of 2021. It is, thus, submitted by the learned counsel for the informant that to maintain parity the bail application of the present petitioner be also rejected.

Learned Senior Counsel for the petitioner rebuts the submissions made by the learned counsel for the informant and



submits that the submissions made in the present bail application was not made in those two applications in which the bail was rejected and the case has to be considered based on its own merit and submissions made by the parties.

Considering the fact that the petitioner is in custody since 06.07.2021, charge-sheet has been submitted and taking into consideration the submissions made by the learned Senior Counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sheikhopur Sarai P.S. Case No. 99 of 2020.

The petitioner shall be released after framing of charge.

(Satyavrat Verma, J)

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