

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57644 of 2021

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

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VIJAY YADAV, Son of Mahesh Yadav Resident of Village - Kabirpur, P.s.-
Shekhopur sarai, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranvijay Singh
For the Opposite Party/s	:	Mr.Ajit Kumar
For the informant	:	Mr. Manish Kumar No.2

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 25-04-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

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

The learned counsel for the petitioner submits that the
petitioner is in custody since 18.06.2021, he is a person with
clean antecedent, charge-sheet has been submitted and the
informant alleges that on 02.12.2020 when informant along with
others were returning from the field, they saw Scorpio vehicle at
some distance in which 12 named accused persons including the
petitioner were sitting and they came out of the vehicle and fired
indiscriminately killing his nephew, Hemant Kumar, who



received 10-12 gun shot injury.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is submitted that one Ghutar Yadav had four sons, namely, Alok, Neeraj and Dayanand, further, Ghutar Yadav was killed for which Alok Yadav has instituted Shekhopur Sarai P.S. Case No. 23 of 2020, in the said case the present informant was also an accused, it is submitted that the present petitioner being nephew of Ghutar Yadav has been falsely implicated by the informant in the present case. The learned counsel submits that the petitioner was suffering from illness and was operated and a steel rod was also fixed inside his body and thus the petitioner is not able to run, as such would not have committed in such an occurrence. It is further submitted that Alok Yadav has been granted bail vide order dated 11.04.2022 passed in Cr. Misc. No. 54448 of 2021.

The learned counsel for the informant and learned A.P.P. vehemently oppose the bail application but are not able to dispute the fact that Alok Yadav had been granted bail.

Considering the fact the petitioner is in custody since 18.06.2021, he is a person with clean antecedent, charge-sheet has been submitted and co-accused Alok Yadav had been



granted bail, the petitioner, above-named, is directed to be released on bail after framing of charge on his furnishing bail-bonds in the sum 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 Shekhopur Sarai P.S. Case No. 99 of 2020.

The petitioner shall be released after framing of charge.

The application stands allowed.

(Satyavrat Verma, J)

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