

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57623 of 2021

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

1. Jyotish Kumar Yadav @ Jyotish Yadav, Son of Indradeo Yadav @ Indradev Singh, R/O Village- Rupbandh, P.S.- Jagdishpur, District- Bhojpur
2. Pappu Kumar Yadav @ Pappu Yadav, Son of Indradeo Yadav @ Indradev Singh, R/O Village- Rupbandh, P.S.- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan, 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 petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajiva Ranjan, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are 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 petitioners along with others also fired upon the informant.

It is submitted by the learned counsel appearing on behalf of the petitioners 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 petitioners. 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 petitioners are in custody since 24.08.2021 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 petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation against the petitioners 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 petitioners, named above, 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 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 petitioners with further conditions which are as follows:-

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

(ii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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