

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59582 of 2021

Arising Out of PS. Case No.-361 Year-2021 Thana- BARACHATTI District- Gaya

RAJO YADAV, Son of Bigan Yadav Resident of Village - Bargama, P.S.-
Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar
For the Opposite Party/s	:	Mr.Upendra Kumar
For the informant	:	Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-03-2022 Heard the learned counsel for the petitioner, the learned
APP for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 504, 506 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 15.07.2021, chargesheet has been submitted and has antecedent of two cases. The learned counsel further submits that informant alleges that her husband gave Rs. 20,000/- to the petitioner at the time of marriage of his daughter and further gave Sariya and cement amount to Rs.80,000/- on 15.06.2021. He demanded his money then the petitioner asked him to come near Gohri Pokhar after making a call to him, accordingly her husband and brother-in-law went to the place of occurrence



where 10-12 persons started indiscriminate firing on them and during the occurrence, son of one Suresh Yadav died on account of firing. Further, on hearing gun shot, her two other brother-in-laws also went to the place of occurrence but was brutally assaulted by iron rod and Khanti.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and Anuj Kumar and Sudama Yadav are not accused, it is submitted that though in the FIR, it is alleged that son of Suresh Yadav died on account of firing but still the FIR was instituted under Section 307 read with other section of the IPC, it is submitted that the mother of the deceased, i.e., wife of Suresh Yadav has instituted Barachatti P.S. Case No. 360 of 2021 dated 16.06.2021 under Section 302 and 34 of the IPC read with Section 27 of the Arms Act (Annexure-2 to the bail application), the learned counsel submits that from bare perusal of the allegation, as alleged in the FIR, instituted by the mother of the deceased, it would manifest that this petitioner and Sudama Yadav are not named in the said FIR, the learned counsel further submits that as far as allegation of assaulting brutally by the informant in the present FIR is concerned, for that the learned counsel draws attention of the Court to Annexure-4 of the bail application to show that injured Sarvesh Yadav receives minor



injury. The learned counsel fairly submits that the petitioner (Rajo Yadav) is named accused in the F.I.R. instituted by the mother of the deceased.

The learned APP and learned counsel for the informant oppose the bail application but are not able to make the submission of learned counsel for the petitioner that the separate FIR with regard to the death of the deceased has been instituted and as far as allegation in the present FIR is concerned, the injuries of Sarvesh Yadav is minor in nature.

Considering the fact that the petitioner is in custody since 19.06.2021, charge has been submitted and taking into consideration the submissions made by learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail 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 Barachatti (Mohanpur) P.S. Case No. 361 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

sanjeev/-

U		T	
---	--	---	--

