

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62620 of 2021**

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

SUDAMA YADAV Son of Sri Sadhu Yadav Resident of Village - Pathra, P.s.-
Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. Anita Kumari, APP

For the informant : Mr. Promod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 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 27.08.2021, chargesheet has been
submitted and has antecedent of eight 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, 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 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 27.08.2021, 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)

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