

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65319 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- SATHI District- West Champaran

Thag Yadav, Son of Late Daroga Yadav Resident of Village - Basantpur,
Police Station - Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akhileshwar Kumar Shrivastva, Adv.
For the Opposite Party/s	:	Mr.Prem Kumar Jha, APP
For the informant	:	Mr. Deovind Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

Petitioner is in judicial custody in connection with Sathi
P.S. Case No.93 of 2021 (G.R. No.2659 of 2021) registered under
Sections 147, 148, 149, 341, 323, 447, 427, 307, 302 and 504 of the
Indian Penal Code as also Section 27 of the Arms Act.

The matter relates to death of a person and injury to his
son. It has been alleged in the FIR that the informant upon returning
from a marriage ceremony found that the accused persons including
the petitioner herein are removing a mud house from his land. When
protest was made, it is alleged that all the accused persons who were
variously armed, attacked the informant and his son and specific
allegation against Manan Yadav that he fired on Vinod Yadav son of
Parsuram Yadav causing injury on his leg. It was further alleged that
accused Vinod Yadav, son of Bhagel Yadav fired on Amar Lal Yadav,



which hit his ear causing grievous injury to him. When the informant's father Rameshwar Yadav upon '*hulla*' reached the place; it is alleged that accused Munna Yadav opened fire hitting his abdomen and who finally succumbed to the injury. Further allegation is on Lal Babu Yadav that he also opened fire on the family members of the informant. As the villagers started to assemble, the accused persons retreated.

Learned counsel for the petitioner submits that in the FIR specific allegations have been attributed on Manan Yadav, Vinod Yadav and Munna Yadav of having injured Vinod Yadav son of Parsuram Yadav, the informant's brother and as also of killing the informant's father respectively. So far as the petitioner herein is concerned, it is submitted that an omnibus allegation has been levelled against him that he was also present there variously armed.

Learned counsel for the informant submits that all the accused persons had common intention to kill the informant's father and as such he cannot escape the responsibility for the said killing and /or the injuries to the informant's brother and Vinod Yadav.

This Court has gone through the FIR. Specific allegations have been levelled against Manan Yadav, Vinod Yadav son of Mangal Yadav injuring Vinod Yadav son of Parsuram Yadav as also the informant's brother and one Munna Yadav of killing the informant's father. So far as the petitioner herein is concerned, an omnibus allegation has been levelled in the FIR that he was also the part of the



mob and was variously armed. The petitioner is in judicial custody since 25.05.2021 (as stated in para-16 of the bail application). Further charge sheet has already been submitted in the matter and as such there is no question of tampering with the evidence.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Sathi P.S. Case No.93 of 2021 (G.R. No.2659 of 2021) to the satisfaction of learned A.C.J.M., IIIrd, Bettiah, West Champaran, subject to following conditions:

(i) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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