

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71373 of 2021

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

Rambali Yadav @ Rambali Kumar Son Of - Bigan Yadav Resident Of Village
- Bargama, P.S. - Mohanpur, District - Gaya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar
For the State	:	Mr. Arun Kumar Singh
For the Informant	:	Mr. Subodh Kumar Barnwal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 504, 506 of the Indian Penal Code and read with Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 24.09.2021, and charge-sheet has been submitted in this case and has antecedent of four cases.

The learned counsel for the petitioner further submits that the informant alleges that her husband gave Rs.20,000/- to the brother of the petitioner at the time of marriage of his daughter and further gave sariya and cement amounting to



Rs.80,000/- on 15.06.2021. It is further alleged that when her husband demanded his money, then the accused persons including 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 course of occurrence, son of one Suresh Yadav died on account of firing. Further, on hearing the gunshot, her two other brother-in-laws also went to the place of occurrence, but were 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 F.I.R., it is alleged that son of Suresh Yadav died on account of firing, but still the present F.I.R. was instituted under Section 307 of the I.P.C. read with other Sections of the I.P.C. It is submitted that the mother of the deceased i.e. wife of Suresh Yadav had instituted Barachatti P. S. Case No.360 of 2021 dated 16.06.2021 under Section 302 and 34 of the I.P.C. read with Section 27 of the Arms Act.

The learned counsel further submits that from perusal of the allegation as alleged in the F.I.R. instituted by the mother of the deceased, it would manifest that this petitioner along with



other named accused are made accused in the said F.I.R. It is further submitted that as far as allegation of assaulting brutally by the informant in the present F.I.R. is concerned, the learned counsel for the petitioner submits that the injured Sarvesh Yadav received minor injuries.

The learned counsel further submits that the petitioner has been granted bail in Barachatti P. S. Case No.360 of 2021 by a Coordinate Bench of this Court by order dated 28.03.2022 in Cr. Misc. No.71336 of 2021. The learned counsel further submits that Rajo Yadav, co-accused in the present case has also been granted bail by order dated 24.03.2022 in Cr. Misc. No.59582 of 2021.

Learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but is not able to meet the submission of the learned counsel for the petitioner that a separate F.I.R. with regard to death of the deceased has been instituted and as far as allegation in the present F.I.R. is concerned, injuries of Sarvesh Yadav is minor in nature.

Considering the fact that the petitioner is in custody, and charge-sheet has been submitted in this case and taking into consideration the submission made by the 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. 25,000/- (Rupees Twenty Five 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, subject to condition that one of the bailors shall be the wife of the petitioner namely, Munita Kumari.

The application stands allowed.

(Satyavrat Verma, J)

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