

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21033 of 2023

Arising Out of PS. Case No.-596 Year-2022 Thana- GOPALPUR District- Bhagalpur

1. Kokan Yadav Son Of Late Konay Yadav Resident Of Village-Sahora, P.S.- Rangra, District-Bhagalpur
2. Sourabh Kumar Son Of Hiralal Yadav Resident Of Village-Sahora, P.S.- Rangra, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rohit Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 23-05-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. Petitioners seek regular bail in connection with Gopalpur (Rangra) P.S. Case No. 596 of 2022 dated 23.11.2022 registered for the offences punishable under Sections 147, 148, 149, 323, 302 and 504 of IPC and Section 27 of Arms Act.
3. The main submissions advanced by learned counsel for petitioners are that the petitioner Kokan Yadav is very old person and in the FIR there is no specific allegation against both the petitioners and the allegation levelled against them is general and omnibus. Further submissions are that as per the FIR the main allegation of firing at the deceased is against co-

accused Mukesh Yadav and Hira Lal Yadav and the allegation of instigation is against co-accused Sonelal Yadav and petitioners' specific role in the alleged crime of murder has not been revealed in the FIR and the alleged offence was not pre-planned which is clearly evident from the FIR itself and the cause of the incident was the changing of the groom in the marriage ceremony of the informant's uncle's daughter. Further submissions are that in actual both the petitioners were not present at the place of occurrence at the time of commission of the alleged occurrence and they have been falsely implicated in this case and they have been languishing in jail since 28.11.2022 and against them the investigation has been completed and they have fair and clean antecedent and there is no independent witness to support the allegations levelled against them in the FIR. Further submission is that one co-accused namely, Sabita Devi has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 20052 of 2023.

4. Learned APP for the State opposes the bail prayer of the petitioners.

5. Considering the above submissions and mainly the nature of allegation appearing against the petitioners and their fair and clean antecedent as well as their custody period, in my opinion,

it is a fit case for bail to the petitioners. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Gopalpur (Rangra) P.S. Case No. 596 of 2022.

(Shailendra Singh, J)

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