

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22619 of 2023

Arising Out of PS. Case No.-385 Year-2018 Thana- ALOULI District- Khagaria

NIRANJAN YADAV, S/O LATE DILIP YADAV, Resident of Village-
Ahoghat, P.S.- Sahebpurkamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Alauli P.S.
Case No. 385 of 2018 registered for the offence punishable under
Sections 147, 148, 149, 447, 302 and 120B of the Indian Penal Code
and Section 27 of the Arms Act.

While the informant was sitting with her husband, 15
named accused persons including the petitioner with 4 to 5
unknown persons have arrived variously armed with fire arms.
There is alleged indiscriminate firing by all the accused persons,
leading to death of the informant's husband.

The petitioner's prayer for bail was earlier rejected by
this Court on 20.11.2019 in *Cr. Misc. No. 39777 of 2019*, having
regard to the 8 fire arm injuries reported in the postmortem



report of the deceased. The prayer was renewed in *Cr. Misc. No. 72486 of 2021*, which was disposed of to enable the petitioner to renew his prayer before the learned trial court vide order dated 10.01.2023. The prayer has thereafter been renewed and rejected by the learned trial court on 03.02.2023, recording the fact of release of other co-accused persons namely Ashok Yadav and Sharmanand Yadav as well as Janardan Yadav, Sintu Yadav, Ranvir Yadav and Chandan Yadav.

Today, when the matter is taken up, learned counsel for the petitioner, relying upon these observations as well as Annexures 4, 5 and 5/1, which are copies of bail orders of other co-accused persons, submits that the petitioner is entitled to consideration on the ground of parity with these co-accused persons, since there is no distinction in the FIR and the alleged death has occurred by indiscriminate firing by all named accused persons, along with 4 to 5 unnamed persons. The petitioner is also stated to be in custody since 15.12.2018 i.e. more than 4 years. Moreover, investigation is also complete and as such there is no chance of tampering of evidence. It is also submitted that the petitioner has clean antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the petitioner's claim



based on parity, the long period of incarceration pending trial and the claimed clean antecedent of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by learned counsel for the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Vth, Khagaria, in connection with Alauli P.S. Case No. 385 of 2018, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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