

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29775 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- NAGARNAUSA District- Nalanda

1. Sanjay Yadav @ Ram Lailun Yadav Son Of Late Rajdeo Prasad R/O- Village- Moniumpur, P.S.- Nagarnausa, District- Nalanda
2. Vikash Yadav Son Of Ram Lailun Yadav @ SANJAY Yadav R/O- Village- Moniumpur, P.S.- Nagarnausa, District- Nalanda
3. Titu Yadav Son Of Ram Lailun Yadav @ SANJAY Yadav R/O- Village- Moniumpur, P.S.- Nagarnausa, District- Nalanda
4. Pawan Yadav Son Of Sunil Yadav @ Maku Yadav R/O- Village- Moniumpur, P.S.- Nagarnausa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Krishan Jha, Advocate
For the State	:	Mr.Md. Aslam Ansari, APP
For the informant	;	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State as also learned counsel for the informant.

The petitioners seek regular bail in connection with Nagarnausa P.S. Case No.08 of 2022, registered for the offences punishable under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, according to the informant, is that while his son along with his sister was coming back to the house on a



motorcycle on 15.01.2022, at about 17 hours and had reached near the house of Vinod Pandit, the accused persons including the petitioners herein had intercepted them and surrounded them whereafter, the co-accused person, namely, Maku Yadav had put towel around the neck of the son of the informant and, then, the co-accused person, namely, Dharamveer Yadav had fired gun shot in the stomach of the son of the informant leading to death of the son of the informant during the course of treatment. It is also alleged that all the co-accused persons had fired indiscriminately and then had fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 01.04.2022. Learned counsel for the petitioners has submitted that a general and omnibus allegation has been levelled against the petitioners and as far as specific allegation of assault is concerned, the



same is against co-accused persons, namely, Maku Yadav and Dharamveer Yadav.

Per contra, the learned counsel for the informant as also the learned APP for the State have vehemently opposed the prayer for bail. However, it has not been denied that as far as the petitioners are concerned, no specific allegation of any sort of overtact has been levelled.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials on record as also considering the materials available in the case diary, this Court finds that a general and omnibus allegation has been levelled against the petitioners herein, however, specific allegation of overtact has been levelled against the co-accused persons, namely, Maku Yadav and Dharamveer Yadav, hence, considering the fact that the petitioners are also having a clean antecedent and are languishing in custody since



01.04.2022, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Hilsa (Nalanda) in connection with Nagarnausa P.S. Case No.08 of 2022.

(Mohit Kumar Shah, J)

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