

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33043 of 2022

Arising Out of PS. Case No.-99 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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SOPHAL YADAV SON OF BASUDEO YADAV RESIDENT OF VILLAGE-
KABIRPUR, P.S.- SHEIKHOPURSARAI, DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
	:	Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-02-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Sheikhopursarai P.S. Case No. 99 of 2020, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act inasmuch as the prayer of the petitioner for grant of bail was rejected earlier vide order dated 28.10.2021 passed in Criminal Miscellaneous No. 33849 of 2021.

Twelve accused persons including the



petitioner herein are alleged to have fired on the deceased resulting in his death and during the course of medical examination, the doctor has found several fire arm injuries on the person of the deceased.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 03.12.2020. It is further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, no specific allegation of any sort of overt act has been levelled against him, nonetheless, it is submitted that almost all other co-accused persons have been granted the privilege of bail by co-ordinate Benches of this Court vide order dated 12.01.2023 passed in Criminal Miscellaneous No. 24297 of 2022, Criminal Miscellaneous No. 24988 of 2022 and Criminal Miscellaneous No. 31641 of 2022, vide order dated 13.01.2023 passed in Criminal



Miscellaneous No. 26134 of 2022, vide order dated 11.04.2022 passed in Criminal Miscellaneous No. 54448 of 2021, vide orders dated 11.04.2022 passed in Criminal Miscellaneous No. 54448 of 2021 and Criminal Miscellaneous No. 67067 of 2021 and vide order dated 25.04.2022 passed in Criminal Miscellaneous No. 57644 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since about two years, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 learned District and Sessions Judge, Sheikhpura in connection with Sessions Trial No. 105 of 2022 arising out of Shekhopursarai P.S. Case No. 99 of 2020.

(Mohit Kumar Shah, J)

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