

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44077 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Sarvesh Yadav Son Of Gajo Yadav Resident Of Village- Tikarampur, Bihari
Marar Tola, Post- Tikarampur, Police Station - Muffasil & District – Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar Verma, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Muffasil P.S. Case No. 329 of 2021
registered for the alleged offences under Sections 147, 302,
384, 506 of the Indian Penal Code and Sections 27/35 of the
Arms Act.

As per prosecution case, the informant and his
brothers were constructing a bamboo bridge over river
Gandak with the help of labourers and the petitioner and the
co-accused persons came there and shot dead the brother of
the informant for the reason that the informant did not pay



the extortion money to them.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and allegation of firing is specific against co-accused Santosh Yadav. The allegation against this petitioner and a number of co-accused persons is not specific and to rope in the petitioner and other co-accused persons, the allegation of indiscriminate firing has been made against them. Similarly situated co-accused persons namely, Gajo Yadav and Pramesh Yadav have been granted anticipatory bail by a Co-ordinate Bench vide Cr. Misc. No. 62982 of 2022 and Cr. Misc. No. 62788 of 2022, respectively. Other similarly situated co-accused persons Majjo Yadav and Dharo Yadav have also been granted anticipatory bail by a Co-ordinate Bench vide Cr. Misc. No. 10408 of 2022 and Cr. Misc. No. 8099 of 2022, respectively and another similarly situated co-accused Prabin Yadav has been granted regular bail by another Co-ordinate Bench vide order dated 10th of January, 2023 passed in Cr. Misc. No. 55195 of 2022. Allegation against Majjo Yadav and Prabin Yadav has been exactly similar to this petitioner. The petitioner is in custody since 07.03.2022 and the charge-sheet has been submitted in this case.



Learned APP opposes the prayer for bail submitting that several injuries have been found on the person of the deceased. This petitioner is having criminal antecedent of three cases of serious nature.

Perused the records.

Having regard to the submissions made hereinabove and considering the ground of parity due to grant of bail to similarly situated co-accused persons by the Co-ordinate Benches, submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Munger/ Court concerned in connection with Muffasil P.S. Case No. 329 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

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