

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63938 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- CHHABILAPUR District- Nalanda

1. KRISHNA YADAV S/O JAGDISH YADAV Resident of Village- Karmu Bigha, P.S.- Chhabilapur, District- Nalanda.
2. SHYAM DEV YADAV S/O KRISHNA YADAV Resident of Village- Karmu Bigha, P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, App
For the informant	:	Mr. Rajeev Ranjan Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-04-2023 Heard learned counsel for the petitioners, the learned
APP for the State as well as learned counsel for the informant.

Petitioners seek regular bail in connection with Sessions Trial No.773/2021 arising out of Chhabilapur P.S. Case No. 79 / 2021 registered for the offences punishable under Sections 147, 148, 149, 115, 302, 307, 120 B of Indian Penal Code and Section 27 of the Arms Act and later on Section 25(1-b)a/26/35 was also added.

As per the prosecution, the informant alleged that these petitioners alongwith other accused and some unknown persons armed with arms and ammunition came at the alleged place. Further it is alleged that several family members of the



informant were shot dead on the spot by the FIR named accused persons and some of the members sustained firearm injuries due to the alleged firing made by the other accused persons.

The main submissions advanced by the learned counsel for the petitioners are that as per the allegation the petitioners were simply alleged to be members of the alleged unlawful assembly but their any specific role in the commission of the alleged occurrence has not been revealed, in fact they were dragged in this case on account of being relatives of co-accused Choti Yadav, in fact the prosecution party themselves tried to dispossess the accused persons from their land and deadly assaulted co-accused Guddi Yadav and Choti Yadav and as the said Choti Yadav is relative of the petitioners, thus petitioners were dragged in this case. Further submission is that co-accused persons Manish Yadav and Roushan Kumar have been granted bail by the Juvenile Justice Board on the ground of juvenility while Roushan Yadav and Vinod Yadav have been granted bail by the court below itself and Chinta Devi has been granted bail by this Court.

Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that instant matter relates to brutal murder of five persons and prayer for



bail of co-accused Ashok Kumar has been rejected by this Court and the trial of the petitioner is at advance stage and same is running for statements of accused persons.

Heard the parties and perused the FIR as well as depositions of the prosecution witnesses filed by petitioners' counsel by way of supplementary affidavit. As the trial of the petitioners is running at final stage and the instant matter relates to murder of five persons and several persons are accused in the present matter, so at this stage, it will not be proper to enlarge the petitioners on bail. Accordingly, their bail prayer stands rejected.

(Shailendra Singh, J)

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