

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.460 of 2016**

Arising Out of PS.Case No. -36 Year- 2014 Thana -MADHEPUR District- MADHUBANI

- =====
1. Ram Prasad Yadav Son of Late Jugali Yadav @ Yugali Yadav
  2. Mahesh Yadav Son of Late Ramchalitar Yadav @ Ram Charitra Yadav
  3. Ram Khelawan Yadav Son of Late Kushe Yadav
- All R/o Village- Birpur, P.S.- Madhepur, Distt- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      07-04-2016

Heard.

The petitioners, who are languishing in custody since 24.03.2014, have renewed their prayer for bail in connection with a case registered for the offences punishable under sections 147/148/149/341/323/326/307/302 of the Indian Penal Code and 27 of the Arms Act in view of liberty granted by a co-ordinate Bench of this Court in Criminal Miscellaneous No.34362/2014.

Though, the earlier prayer was rejected vide Criminal Miscellaneous No.34362/2014 by a co-ordinate Bench of this Court but since the concerned Bench is not available due to medical exigency, the matter has been listed before this Court in view of the administrative order of Hon'ble the Acting Chief

Justice, dated 09.03.2016, kept at 'Flag-A'.

Prosecution case is that in the background of dispute with regard to settlement of 'Hatia', the FIR named accused persons including the petitioners being armed variously attacked on Ram Chandra Yadav and Ram Bihari Yadav. Subsequently, Ram Bihari Yadav succumbed to the injuries while he has been taken to Darbhanga Medical College Hospital. During investigation, the prosecution case was further improved to the effect that Ram Bihari Yadav was while under treatment in the hospital when co-accused Kailash Yadav and Sanjay Yadav came with dead body of one Rinku Yadav when Sanjay Yadav assaulted Ram Bihari Yadav with hammer and also shot him.

It is submitted by learned counsel for the petitioners that the accusation against the petitioners is omnibus and general. The specific accusation of assault is against co-accused Sanjay Yadav, who gave fatal blow through hammer causing death of Ram Bihari Yadav. It is further submitted that Buchchi Devi, widow of deceased Ram Bihari Yadav, whose statement was recorded in paragraph 35 of the case diary has specifically alleged that Sanjay Yadav shot her husband and assaulted with hammer which proved fatal. Considering the same Kailash Yadav and Sita Ram Yadav have been granted bail by a co-



ordinate Bench of this Court vide Criminal Miscellaneous No.9524/2015 whereas Ramakant Yadav, Mukesh Yadav, Suresh Yadav, Tantu Yadav and Shaini Ram have been granted bail vide Criminal Miscellaneous No.41316/2014. There is counter version of the occurrence also and one person namely, Rinku Yadav, from the petitioners' side was killed. A statement has been made in paragraph 3 of the petition that petitioners have no criminal antecedent except petitioner no.1, who is accused in one other case apart from the present case, wherein he is on bail.

It is submitted by learned counsel for the informant that considering the rival submissions of the parties the co-ordinate Bench has rejected the prayer for bail of co-accused Sanjay Yadav vide Criminal Miscellaneous No.2193/2016.

From the facts discussed above, it is apparent that the co-accused persons have been granted bail by the co-ordinate Bench considering the thrust of accusation against co-accused Sanjay Yadav, which led to rejection of bail to Sanjay Yadav. Moreover, learned counsel for the informant failed to distinguish the case of the petitioners with other accused persons.

Considering the aforesaid fact, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like

amount each to the satisfaction of learned Additional Sessions Judge-III, Madhubani, in connection with Madhepur P.S. Case No.36/2014.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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