

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3465 of 2017

Arising Out of PS.Case No. -61 Year- 2014 Thana -MADHEPURA District- MADHEPURA

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Deoraj Urs @ Ajir Bihari, Son of Late Hriday Yadav, resident of Village-
Dubiyahi Tintolia, P.S. Madhepura, District- Madhepura.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 07-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioner seeks bail in connection with Madhepura
P.S. Case No.61 of 2014 registered under Sections 147, 148, 149,
323, 307, 302, 337, 427 and 120-B of the Indian Penal Code.

The accusation is that in course of emersion of two idols
of different Tolas of village-Dubiyahi, the people of both Tolas
started to abuse and scuffle. In that course, 12 persons, named in
the F.I.R., including the petitioner and 300-350 unknown started to
cause assault through lathi and danda in which Bhaglu Yadav,
Ramdeo Yadav and Kaushalya Devi sustained injury. At that
time, some persons started to firing and this petitioner also came



with rifle and made firing which hit at the chest of one Fhaldai Devi, who died instantaneously on the spot.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner and the informant are resident of same village and in the previous panchayat elction, the informant had contested against the wife of the petitioner but he lost in the said election. Due to that reason, the informant and the people of his group made attempt to implicate the petitioner falsely in the present case. Further submission is that it would appear from paragraphs-2 and 3 of the case diary that while the police reached at about 02.30 P.M. on 05.02.2014 on the spot where the mob was present but none disclosed the name of the petitioner as the assailant of the deceased. Thereafter, at about 03.30 P.M., the inquest report of the deceased was prepared on the same day and then at about 04.30 P.M., the informant gave his fardbeyan disclosing the name of the petitioner as the assailant of the deceased. It is further submitted that the husband of the deceased and other witnesses in paragraphs-30, 31, 32, 33 and 34 of the case diary have only stated that at the time of occurrence a rival group of the children opened firing in which the deceased sustained injury and died on the spot instantaneously and they have not whispered any word against the petitioner having his



hand in the commission of the murder of the deceased. The petitioner is in custody since 10.12.2016.

On the other hand, learned counsel for the informant, while opposed the prayer of the petitioner for grant of bail with the submission that the injured Kaushalya Devi, in paragraph-41 of the case diary, has stated in the firing of this petitioner, the deceased sustained injury and died on the spot instantaneously but fairly conceded that she has not stated about her assailant.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No.61 of 2014.

(Rajendra Kumar Mishra, J)

P.S./-

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