

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16672 of 2019

Arising Out of PS. Case No.-1326 Year-2018 Thana- BIHTA District- Patna

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DASAI YADAV @ DASAI RAI Son of Late Ram Das Rai Resident of
Village - Doghara, Police Station - Bihta, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Amit Kumar, Advocate

For the Opposite Party : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 21-05-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks bail in connection with Bihta P.
S. Case No. 1326 of 2018 registered for the offences punishable
under Sections 147, 148, 149, 307 & 302 of the Indian Penal
Code and 27 of the Arms Act.

The son and the daughter-in-law of the petitioner have
been killed. The grandson of the petitioner is the informant of
the case. He has alleged that altogether 14 accused persons
named in the FIR including the petitioner being armed with
lathi, danda, sword and firearms came at the place of
occurrence and when his father was going to start tractor for
ploughing the field, co-accused Lalan Yadav assaulted him with
dab as a result of which he fell down and, thereafter, the accused



persons opened fire. When his mother and younger brother tried to intervene, they fired upon them also. His mother was caught by them and was done to death.

Learned counsel for the petitioner submitted that nothing specific has been alleged against the petitioner. The motive attributed in the FIR that the petitioner had gifted the self-earned property to the aunt of the informant with whom he had illicit relation and the occurrence of offence took place when the informant and his father and brother had gone to plough the field gifted by his grand-mother is the main reason behind the false implication of the petitioner. Since the informant or his father and other family members never looked after the petitioner and his another son took all sort of care of him, he had gifted the self earned property to his daughter-in-law and the said act on the part of the petitioner caused annoyance to the informant as a result of which he has named the petitioner also when in an unfortunate incident his son and daughter-in-law were killed.

He contended that though the allegation is that 14 persons indiscriminately assaulted the father and mother of the informant, they sustained only one firearm injury each. They also sustained multiple injuries by sharp cutting weapon. He



contended that the petitioner is an old person aged about 71 years and has never been involved in any other case. Co-accused Anil Rai and Renu Devi having more or less identical allegation to that of the petitioner have already been granted bail by different benches of this Court.

On the other hand, learned counsel for the State and learned counsel for the informant submitted that it is a case of multiple murder and the petitioner is named in the FIR. The injuries sustained by the two deceased further corroborate the prosecution case.

Considering the allegation of double murder, the alleged complicity of the petitioner in commission of the offence and the early stage of the case, I am not inclined to enlarge the petitioner on bail at this stage even though some other accused persons have been granted bail by other benches of the court. The application is rejected.

However, the petitioner would be at liberty to renew his prayer for bail in the court below itself after the charges are framed.

(Ashwani Kumar Singh, J)

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