

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46540 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- ARIYARI District- Sheikhpura

1. RAJU YADAV @ UMESH YADAV Son of Late Viveka Yadav Resident of Village - Sohdi, P.S.- Ariyari (Mahuli), District- Sheikhpura
2. Vinod Yadav Son of Late Viveka Yadav Resident of Village - Sohdi, P.S.- Ariyari (Mahuli), District- Sheikhpura

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prasad Singh, Adv.
		Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-10-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

While husband of the informant had gone to Mahuli Bazar to supply milk in the hotel on the way appellants gunned him down by resorting firing. Niece of the informant, namely, Kajal Kumari, who happens to be eye witness of the occurrence, divulged the aforesaid occurrence to the informant.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid



occurrence. As a matter of fact, the father of the petitioners, namely, Viveka Yadav was murdered by Sagar Yadav and brother and mother of the Kajal Kumari and others by hatching conspiracy regarding which wife of Viveka Yadav has lodged Ariyari (Mahuli) P.S. Case No.209 of 2018 and due to the aforesaid reason the informant has falsely implicated the petitioners in collusion with the said Kajal Kumari. There is no motive behind the occurrence and both the petitioners are residents of different villages located at the distance of 5 Km. Hence, they may be enlarged on bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that there is specific allegation against the petitioners of gunning down the husband of the informant and Kajal Kumari, who happens to be eye witness, in her statement recorded under Sections 161 & 164 Cr.P.C. has supported the occurrence. Besides the Kajal Kumari another witness in para-15 of the case diary has also supported the case. The medical report also corroborates the prosecution case. Hence, the petitioners do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for



bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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