

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.47703 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

SURESH YADAV, aged about 42 years, Male, Son of Jhari Yadav, Resident of Village- Maghi, P.S.- Laxmipur, District- Jamui ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Adv.
For the State : Mr. Anish Chandra, APP
For the Informant : Mr. Shailesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 04-12-2019

Heard the learned counsel for the petitioner, the learned counsel for the infr and the learned counsel appearing for the State.

The petitioner seeks bail in connection with S. Tr. No. 159 of 2019 arising out of Jhajha P.S. Case No. 18 of 2019 registered under Sections 147, 148, 149, 302, 427 and 120B of the Indian Penal Code and 27 of the Arms Act.

Accusation is that in the evening of 18.01.2019 Rajesh Yadav and Manoj Yadav proceeded from Referral Hospital, Jhajha, for their village boarding on a Scorpio vehicle, which was being driven by Mamta Yadav. In the way, near village Taliyadih, miscreants by hurling bomb and making firing committed murder of Rajesh Yadav and Manoj Yadav while Mamta Yadav, driver of the vehicle, managed to flee away and informed that 18 persons named in the first information report, including the petitioner, indulged in hurling the bomb and making the firing in which Rajesh Yadav and Manoj Yadav sustained injury and died.

Learned counsel appearing on behalf of the petitioner



submits that he has been falsely implicated in this case due to political rivalry. In paragraph 163 of the case diary the confessional statement of co-accused, Karu Yadav, is detailed, in which he has stated about hurling bomb and he has not disclosed the name of the petitioner hurling bomb. Further, submission is that the petitioner is in custody since 03.02.2019 and he has no criminal antecedent except Laxmipur P.S. Case No. 29 of 2017, registered under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and 3 and 4 of the Explosive Substances Act.

On the other hand, learned counsel appearing on behalf of the informant submits that it would appear from the first information report that sole witness of the occurrence is the driver of the Scorpio vehicle, Mamta Yadav, whose statement is detailed in paragraph 12 of the case diary that in which the name of ten persons, including the petitioner is detailed, hurling bomb upon both the deceased.

Having regard to the facts and circumstances of the case and the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for bail is **rejected**.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

