

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50137 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. Jay Prakash Yadav @ Prakash Yadav @ JAI Prakash Yadav, aged about 84 years (Male), Son of Late Baldeo Yadav, Resident of Village-Majhgany, P.S.- Shambhuganj, District - Banka.
2. Sadanand Yadav @ Sadanand Prasad Yadav, aged about 50 years (Male), Son of Late Koka Yadav, Resident of Village-Majhgany, P.S.- Shambhuganj, District - Banka.
3. Nirdosh Yadav @ Nirdesh Yadav, aged about 22 years (Male), Son of Bishnudeo @ Bishundeo Yadav, Resident of Village-Majhgany, P.S.- Shambhuganj, District - Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Balram Kapri, Advocate.
For the Opposite Party : Mr.Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-08-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since 28.02.2019, 18.02.2019 and 18.02.2019 respectively in a case for the offence registered under Sections 302 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 04.02.2019 at about 4.30 P.M., the brother of the informant (deceased) was returning his house from U.Co., Bank and arrived at Village-Kaswa Bazar, in front of house of Devendra Jha, under planned



conspiracy, co-accused Daya Nand Yadav, Tiropati Yadav, Shankar Yadav, Nirdosh Yadav(petitioner no. 3), Bishun Deo Yadav, Prakash Yadav (petitioner no. 1) and Sada Nand Yadav (petitioner no.2) having arms and ammunitions surrounded the brother of the informant, namely, Mulchand Yadav @ Molu and co-accused Daya Nand Sarswati and Tiropati Yadav murdered his brother by using fire arms and when the informant cried all the accused persons fled away towards north side by indiscriminate firing from their arms. It has further alleged that at the place of occurrence, empty cartridge, white Napkin and one red Napkin of blood spot of Daya Nand Saraswati and Bishundeo Yadav was left on the spot. The reason behind the occurrence is that 6-7 months ago, the police caught hold the accused Pankaj Yadav son of Bishundeo Yadav alongwith his three associates with huge quantity of arms and ammunitions and the accused persons have suspicion that the deceased was the C.I.D of police who will inform regarding the huge quantity of arms and ammunitions and since then they were planning to murder the deceased.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Charge sheet has been submitted in the present



case. There is no allegation of tampering with the witnesses alleged against the petitioners. The accused persons alleged to have fired upon the deceased. The deceased succumbed to the injuries. The petitioners are alleged to be member of unlawful assembly. The main allegation is against co-accused Dayanand Sarswati and Tiropatti Yadav. No injury is attributed against the petitioners.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Banka, in connection with Shambhuganj P.S. Case No. 20 of 2019.

(Sudhir Singh, J)

U.K./-

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

