

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8097 of 2020

Arising Out of PS. Case No.-6 Year-2013 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Sudama Yadav @ Kutumb Yadav @ Kutumb Jee, Male, Aged about 48 years,
Son of Late Ram Baran Yadav @ Baran Lal Resident of Village- Dumaria,
P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 14147 of 2020

Arising Out of PS. Case No.-6 Year-2013 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Subhash Yadav, aged about 33 years, Male, Son of Dahaur Yadav Resident of
Village - Pitauihiya, P.S.- Bhadaur, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 8097 of 2020)
For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP
(In CRIMINAL MISCELLANEOUS No. 14147 of 2020)
For the Petitioner/s : Ms. Shama Sinha, Adv.
For the Opposite Party/s : Mr. M.K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 11-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State in both the cases.

In both the cases, the petitioners are seeking bail in
connection with Bakhtiyarpur Rail P.S. (Rail P.P. Barh) Case
No. 06 of 2013 registered for offences under sections 302 of the



Indian Penal Code as also under Section 27 of the Arms Act having Sessions Trial No. 1017 of 2019.

Earlier to the present case, with respect to the same incident, Barh P.S. Case No. 188 of 2012 was registered in connection with murder of Kanhaiya Kumar.

In the First Information Report, it has been stated that someone has fired upon Kanhaiya and he died at the platform itself and has not disclosed any name of the accused persons to be indulged in the gun-shot but, the case was again reopened and was investigated which led to registration of Bakhtiyarpur Rail P.S. (Rail P.P. Barh) Case No. 06 of 2013.

In paragraph no. 64 and 65 of the case diary, there is a statement of the accused Ranjan Kumar and Manoranjan Kumar respectively who have made specific statement that Kanhaiya Kumar, after receipt of bullet injury, rushed to the police station where he disclosed the name of the present petitioners and one Mukesh Yadav. It has also come during investigation that Renu Devi was involved in selling Charas, Ganja and other incriminating substance and Kanhaiya Kumar used to put pressure upon her to supply the same at subsidized rate which led to the incident.

Mr. Y.C. Verma, learned senior counsel appearing



on behalf of the petitioner Sudama Yadav, has submitted that the police has registered Barh P.S. Case No. 188 of 2012. The police has investigated the case and found the fact to be proved but, without clue and, as such, after reopening of the same incident, the witnesses have manipulated the statement and implicated the present petitioner. The same fact has been reiterated by Ms. Shama Sinha and further said that nothing has been found against Renu Devi to be involved in the notorious activity and, it has further been stated that she does not know Sudama Yadav and Subhash Yadav.

Mr. Binor Kumar No.3 as also Mr. M.K. Nirala, representing the State, in both the cases have pointed to paragraph nos. 8, 16, 64 and 65 of the Case Dairy and submitted that the police has recorded the correct statement, later on, the during investigation, the real thing emerged that the present petitioners are involved in the crime.

Learned counsel for the petitioners in both the cases have submitted that the co-accused person, namely, Mukesh Kumar @ Mukesh Yadav has been granted bail by this Court vide order dated 4.3.2020 passed in Cr. Misc. No. 66457 of 2019 and submits that the case of the present petitioners are on similar footing and, hence, the petitioners should also be



granted bail.

From perusal of the aforesaid order, it does not disclose that the Court has any occasion to examine the various paragraphs of the Case Dairy but, in the present cases, this Court has gone through the different paragraphs of the case diary and has also taken the assistance of the State counsels appearing in both the cases.

Both the petitioners have got criminal antecedent as has been stated in paragraph no.3 of both the bail applications.

Looking to the entirety of the matter, this Court is not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners, above named, in both the cases is rejected for the present.

(Shivaji Pandey, J)

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