

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9687 of 2020

Arising Out of PS. Case No.-203 Year-2019 Thana- SALAKHUA District- Saharsa

1. Bipin Yadav (M), aged about 25 years, Son of Bilas Yadav Resident of Village - Mundichak, P.S.- Salkhua, District- Saharsa.
2. Bhagwan Yadav (M), aged about 28 years, Son of Mahao Yadav Resident of Village - Mundichak, P.S.- Salkhua, District- Saharsa.
3. Sharwan Yadav @ Shrawan Yadav, (M), aged about 30 years, Son of Saini Yadav Resident of Village - Mundichak, P.S.- Salkhua, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 06-10-2020 Heard Ms. Rashmi Jha, learned counsel for the petitioners and Md. Ataur Rahman, counsel for the State as also Mr. Suraj Kumar representing the Informant.

In this case, the petitioners are seeking bail in connection with Salkhua P.S. Case No. 203 of 2019 registered for offences under sections 147, 148, 149, 341, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 1.9.2019 at about 4.30 PM, the son of the Informant Kamlesh Yadav and his villager Lallan Yadav were going to the market. In the meantime, the accused persons, with an intention to murder, surrounded them and started firing upon them due to which they died.

Learned counsel for the petitioners submits that the



police has gone at the place of occurrence and searched the pockets of the deceased and found four live cartridges from the pocket of Kamlesh Yadav and it has been submitted that it was just an encounter conducted by the police in which the victims have been died. It has further been submitted that the police itself have lodged the First Information Report bearing Salkhua P.S. Case No. 204 of 2019 for offence under Sections 25(1-b)a, 26, 35 of the Arms Act wherein the name of the petitioners has not been arrayed in the category of accused persons rather the deceased Kamlesh Yadav and Lallan Yadav have been made accused but, the details of fact have been given by the father of the victim and, during investigation, the name of the petitioners have actively been surfaced in the commission of crime where the two persons have been killed.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioners for the present.

Accordingly, the prayer for bail of the petitioners, above named, is rejected.

(Shivaji Pandey, J)

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