

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11598 of 2020

Arising Out of PS. Case No.-289 Year-2019 Thana- BIHARIGANJ District- Madhepura

1. Dilip Yadav, aged about 25 years (Male), Son of Kadamlal Yadav, Resident of Village - Biriranpal, P.S.- Uda-Kishunganj, District - Madhepura.
2. Ajit Yadav, aged about 28 years (Male), Son of Kadamlal Yadav, Resident of Village - Biriranpal, P.S.- Uda-Kishunganj, District - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Alok Kumar Singh, Advocate.
For the Opposite Party : Mr.Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek bail in a case for the offence registered under Sections 302, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 24.08.2019 at about 2.30 P.M., the informant alongwith her husband and son was returning to her house from the field. She was behind her husband with some distance. In the meantime, she heard the sound of firing and saw that 5-6 persons have surrounded her husband and after firing upon her husband they were fleeing away. The informant identified six persons out of them and



named them in F.I.R. as Dilip Yadav (petitioner no. 1), Ajit Yadav (petitioner no. 2), Bhola Yadav, Bhawesh Yadav, Ramesh Yadav and Rajo Yadav. The informant's husband was shot dead by firing bullets on his face, head and buttock. The informant further suspected about the involvement of one Budhan Thakur in making criminal conspiracy of her husband's murder.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 13.10.2019 and 23.10.2019 respectively. The petitioners have got no criminal antecedent. They 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 informant is not an eye witness to the alleged occurrence. It is said that while the informant was returning with grass to her house from the field she saw that the petitioners were also present and fleeing away from the place of occurrence. Other co-accused Ramesh Yadav has been granted bail by the then another Co-ordinate Bench of his Court vide Cr. Misc. No. 84462 of 2019 under order dated 19.12.2019.

On behalf of the State, it is 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 J.M. Ist Class, Uda-Kishunganj, Madhepura, in connection with Bihariganj P.S. Case No. 289 of 2019.

(Sudhir Singh, J)

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