

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14153 of 2020

Arising Out of PS. Case No.-549 Year-2019 Thana- JAHANABAD District- Jehanabad

Uday Yadav @ Uday Singh, S/o Ghamandi Yadav, Resident of Village-
Maharajganj, P.S.- Sigori, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambuj Nayan Chaubey, Advocate

For the Opposite Party/s : Mr.Vinod Kumar-III, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through Virtual Court proceeding.

In the present case, the petitioner is seeking bail in connection with Jehanabad (Karauna OP) P.S. Case No. 549 of 2019, registered for the offence punishable under Sections 302, 147, 148, 149, 379 & 506 of the Indian Penal Code.

The fact of this case is that the deceased Umesh Yadav had gone to his village Lajo where his motorcycle was stolen, later on, Randhir Yadav, who happens to be the cousin brother of Umesh Yadav (victim), had given a call that the motorcycle has been recovered and the deceased had gone to the village Lajo to locate his stolen motorcycle, but the said motorcycle was not recovered. Randhir Yadav was found dead and that led to lodging of FIR bearing Jehanabad P.S. Case



No.545 of 2019 in which Bablu Kumar, the brother of Randhir Yadav has lodged the FIR with respect to the death of his brother, but in the said FIR, he has stated that looking to the dead body of his brother Randhir Yadav, the villager has rushed to the house of Umesh Yadav and he was caught by the villager and he was thrashed very mercilessly. The police came, took Umesh Yadav in possession, whereas the wife of the deceased i.e. Umesh Yadav has stated that her husband had gone to village Lajo in white motorcycle, which was stolen. As the paper was not available, that is why, no case could have been lodged. Randhir had given a call to her husband that stolen motorcycle has been recovered, her husband had gone to the village and returned on the say day. Again on 12.07.2019, one Uttam Yadav had called Randhir Yadav and, thereafter, on 14.07.2019, Uday Yadav (petitioner) and Albela Yadav, both have given a call to her husband Umesh Yadav to come to the village as Randhir was traceless, if he would not turn up there then a criminal case would be lodged. The present informant has gone along with her husband and her brother at village Lajo. As they have reached in the village, Uday Yadav, Albela Yadav and others have forcibly took the husband of the informant on Scorpio and at Pipra More Rice Mill, they have got down from



Scorpio along with husband and assaulted with bricks and stones. When she tried to save, she was also assaulted. The allegation has been made that the valuable ornament which was in her neck was taken away. On receipt of the information, the police came there and took the husband of the informant in possession, referred to the PMCH where during treatment, her husband died. In her statement under Section 164 Cr.P.C., again she has reiterated the fact in detail and has taken the name of the petitioner to be involved in murder of her husband.

Counsel for the petitioner submits that Annexure-1 is not the FIR rather Annexure-2 is the FIR with respect to the death of Umesh Yadav and Annexure-1 which has been lodged by the wife of the deceased cannot be treated to be the FIR of the present incident. He has further submitted that in 164 statement, the name of the petitioner has been included under the heading of the accused at the behest of the some villager who has supplied the name of the present petitioner. Further he has submitted that in Annexure-2, the present petitioner is a witness and in the present case he has been treated to be accused. Further, he has submitted that as the villager has apprehension that the deceased was involved in the murder of Randhir and on that account he was taken possession by the



villager and the villager in general assaulted him and the police has taken possession and wrongly he has been implicated in the present case. So far as Annexure-2 is concerned, basically the FIR is with respect to the death of Randhir Yadav, brother of Bablu Kumar, whereas Annexure-1 is basically the FIR giving entire details with respect to the incident of killing of Umesh Yadav and specifically the name of the petitioner is there that they have dragged her husband and he was ultimately assaulted, who succumbed to the injury later on.

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

Accordingly, the prayer for bail is rejected for the present.

(Shivaji Pandey, J)

V.K.Pandey/-

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

