

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19002 of 2020

Arising Out of PS. Case No.-330 Year-2019 Thana- BARARI District- Katihar

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BIPIN YADAV @ BIPIN KUMAR YADAV Son of Hari Yadav Resident of
Village- Madheli Jarlahi, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-08-2020 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Barari P.S. Case No. 330 of 2019, registered
for the offence punishable under Sections 302,
201, 120(B)/34 of the Indian Penal Code.

The case of the prosecution in brief is that on
17.10.2019, while the deceased brothers of the
informant were returning home at about 7:30 in
the evening after grazing their buffalos, on the
way, the accused persons including the petitioner
herein had caught hold of them and assaulted



them, whereafter they had kept them on a tractor and taken them towards Marachhia, whereafter they had kept their dead bodies on the railway track so as to show that they had died on account of being run over by the railway train. It is further alleged that the petitioner herein had then called the informant from his mobile number and had informed him that his brothers had been killed and their dead bodies had been kept, hence, the informant should come there and take away the dead bodies of his brothers.

The learned counsel for the petitioner, Sri Ajay Kumar Thakur, has submitted that the petitioner is innocent, he has been falsely implicated in the present case and there is no complicity of the petitioner in the alleged occurrence. It is further submitted that the postmortem report would show that the deceased had died on account of being run over by the train. It is also submitted that similarly situated co-accused persons have been granted bail by a coordinate Bench of this Court vide order dated



5.6.2020 passed in Criminal Miscellaneous No. 17219 of 2020 and by an order dated 16.1.2020 passed in Criminal Miscellaneous No. 1270 of 2020, hence, the petitioner is liable to be granted the privilege of bail.

Per contra, the learned APP has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and considered the submissions made by the learned counsel for the respective parties as also have gone through the materials on record apart from perusing the case diary. It is apparent from the materials collected during the course of investigation, which has been narrated in the case diary, that there are sufficient materials to prima facie point out towards the complicity of the petitioner in the double murder case and it is further clear that the accused persons including the petitioner herein had killed the brothers of the informant and then, put the dead bodies on the railway track in order to make it appear that the deceased had died on account of train accident.



The contention of the learned counsel for the petitioner regarding the findings in the postmortem report is also of no worth at this stage inasmuch as a bare perusal of the postmortem reports of the deceased does not rule out infliction of injuries on account of assault. As far as the order dated 5.6.2020 passed in Criminal Miscellaneous No. 17219 of 2020 is concerned, it appears that the same has been passed without taking into account the materials available in the case diary and moreover, the content thereof does not contain any material in favour of the accused persons. As far as the order dated 16.1.2020 passed in Criminal Miscellaneous No. 1270 of 2020 is concerned, the co-accused person, namely, Lalan Thakur, has been granted bail by a coordinate Bench of this Court since it has been revealed during the course of investigation that the said co-accused person was only the driver of the tractor. However, the petitioner is the main accused in the present case and moreover, he is a veteran criminal / habitual offender inasmuch as he is accused in as many as seven cases, hence, the said fact is in itself enough to



reject the prayer of the petitioner for grant of bail. Reference, in this regard, be had to a judgment rendered by the Hon'ble Apex Court in the case of Ash Mohammad vs. Shiv Raj Singh @ Lalla Babu & Anr., reported in (2012) 9 SCC 446. Even on merits, this Court is of the view that considering the severity of the allegations levelled against the petitioner herein and the heinous nature of offence alleged to have been committed by the petitioner, no case is made out for grant of regular bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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