

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83652 of 2019

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

RAJESHWAR YADAV @ RAJO YADAV Son of Late Kamleshwari Yadav @
Late Kamal Yadav, Resident of Village-Biriranpal, Ward No.4, Police Station-
Uda Kishunganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks 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, at 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
the F.I.R., including the petitioner herein. The informant's



husband was shot dead by firing of 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 petitioner that the petitioner is languishing in custody since 14.10.2019. The petitioner has got no criminal antecedent. He has 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, as far as the petitioner is concerned. 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 accused persons were also present and fleeing away from the place of occurrence. Other co-accused Ramesh Yadav has been granted bail by a Co-ordinate Bench of his Court vide Cr. Misc. No. 84462 of 2019 under order dated 19.12.2019. In fact, two other similarly situated co-accused persons have also been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2018 passed in Cr. Misc. No. 11598 of 2020.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) 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.

(Mohit Kumar Shah, J)

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