

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8846 of 2021**

Arising Out of PS. Case No.-317 Year-2020 Thana- MADHEPURA District- Madhepura

1. ROUSHAN KUMAR SON OF RAMESH PD YADAV R/o village-Bariyahi, P.S.- Murliganj, District- Madhepura
2. PAWAN KUMAR S/o Rawen Yadav Resident of Gandhinagar Ward No.- 2, P.S.- Madhepura, District- Madhepura
3. Shrawan Kumar S/o Rawen Yadav Resident of Gandhinagar Ward No.- 2, P.S.- Madhepura, District- Madhepura
4. Jitendra Yadav S/o Bhaiyalal Yadav Resident of Gandhinagar Ward No.- 2, P.S.- Madhepura, District- Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party/s	:	Mr.Kuldeep Kumar, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-05-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Madhepura (Bharrahi) P.S. Case No. 317/2020 registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.



Learned counsel for the petitioners submits that from bare perusal of the First Information Report it would appear that there are general and omnibus allegations against altogether seven named accused persons. The entire allegations are based on mere suspicion. The informant has himself stated that he found his nephew lying dead when he found him in the morning at about 4:30 A.M.

Learned counsel further submits that earlier there was a land dispute between the parties but the same was settled on compromise in Title Suit No. 30/2016 vide Judgment dated 20.11.2019 and in this regard a decree was also prepared.

It is submitted that save and except mere suspicion there is no material against the petitioners. The post-mortem report shows only one fire-arm injury on the body of the deceased.

It is further submitted that co-accused Shailendra has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 5501/2021. These petitioners are in custody since 19.09.2020. Petitioner no. 1 has a criminal antecedent and in the said case he is on bail. So far as the other petitioners are concerned, they have got no criminal antecedent.

Learned counsel for the informant has opposed the



prayer for regular bail of these petitioners. It is submitted that these petitioners are involved in conspiracy of killing of the nephew of the informant. This Court called upon learned counsel for the informant to say as to how the case of these petitioners is different from the case of the co-accused Shailendra.

Learned counsel for the informant does not dispute that the case of these petitioners are on similar footing with the co-accused who has already been granted bail.

In the given facts and circumstances of the case, considering that there are general and omnibus allegations against the accused persons and the co-accused Shailendra who is similarly situated has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 5501/2021, this Court directs release of the petitioners above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Bharrahi) P.S. Case No. 317/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/vats

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

