

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18686 of 2022

Arising Out of PS. Case No.-254 Year-2019 Thana- SALAKHUA District- Saharsa

Mani Yadav Son Of Subhas Yadav R/O Village- Karhara O.P. Chiriya, P.S.-
Salkhua, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Salkhua P.S. Case No.254/2019 instituted under Sections
302, 506/34 of the Indian Penal Code.

As per the prosecution story, the informant Meera
Devi, who is mother of the present petitioner alleged that in the
midnight of 9/10-11-2019, while they were sleeping, 25-30
persons armed variously came to their hut and resorted to
indiscriminate firing killing Bhulu Chaudhary on the spot.
Thereafter, it is further alleged that one Prakash Yadav gave
direction to kill the informant, however the accused person
chose not to hid to his order and they asked her to leave the



‘ghat’. She has further stated that her son Mausam Yadav was not in the hut whom they wanted to kill him, instead of Bhulu Chaudhary was killed.

The petitioner was one of the witness to the said FIR lodged by his mother. Subsequently in course of investigation his name cropped up and a bare perusal of the order of the learned court below would show that from paragraphs 45 to 56, the witnesses have repeatedly stated about the complicity of this petitioner in the commission of the offence.

Taking into account the aforesaid fact that it was the petitioner himself who was part of the criminal conspiracy in which the accused persons entered his own house and resorted to indiscriminate firing resulting into the death of an innocent person, this Court is not inclined to grant him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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