

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32191 of 2021

Arising Out of PS. Case No.-224 Year-2019 Thana- MURLIGANJ District- Madhepura

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AMAR YADAV @ AMAR KUMAR Son of Krishna Mohan Yadav, R/o
Village- Dumariya, Ward No. 10, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 33564 of 2021

Arising Out of PS. Case No.-224 Year-2019 Thana- MURLIGANJ District- Madhepura

1. SAHDEV YADAV Son of Late Mahavir Yadav, Resident of Village -
Dumariya ward no. 10, P.S.- Murliganj, District - Madhepura.
2. Raj Kumar Yadav Son of Sahdev Yadav, Resident of Village - Dumariya
ward no. 10, P.S.- Murliganj, District - Madhepura.
3. Sandip Kumar @ Sandip Yadav Son of Sahdev Yadav, Resident of Village -
Dumariya ward no. 10, P.S.- Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 34825 of 2021

Arising Out of PS. Case No.-224 Year-2019 Thana- MURLIGANJ District- Madhepura

1. SHYAM KUMAR @ SHYAM YADAV S/O- Krishna Mohan Yadav, R/O
Vill - Dumariya, Ward No. 10, P.S. Murliganj, District - Madhepura.
2. Sablu Yadav @ Sablu Kumar Suman S/O- Baidhnath Yadav, R/O Vill -
Manhara, P.S. - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 43552 of 2021

Arising Out of PS. Case No.-224 Year-2019 Thana- MURLIGANJ District- Madhepura



DEEPAK YADAV SON OF LATE MUSO YADAV, R/O VILLAGE-
DUMARIA, WARD NO.-10, P.S.- MURLIGANJ, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32191 of 2021)

For the Petitioner/s : Mr.Dr. Bidhu Ranjan

For the Opposite Party/s : Mr.Lalan Kumar

Ms. Amarnath Jha and Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 33564 of 2021)

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Uday Pratap Singh

Mr. Amarnath Jha

(In CRIMINAL MISCELLANEOUS No. 34825 of 2021)

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Lalan Kumar

Mr. Amarnath Jha

(In CRIMINAL MISCELLANEOUS No. 43552 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Ms. Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 17-05-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well as
Mr. Shailendra Kumar, the learned Additional Public Prosecutor
for the State, assisted by the learned counsel for the informant
Dharmendra Yadav, son of deceased Bisho Yadav.

The petitioner apprehend their arrest in connection with
Murliganj P.S. Case No. 224 of 2019 registered for offence



punishable under section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, in the night of occurrence at about 7:15 p.m., the informant came to his darbaja on hearing fire shot and saw that co-accused Krishna Mohan Yadav, petitioner Amar Yadav and petitioner Shyam Yadav were fleeing away. Thereafter, he saw his father in dead condition. His father (deceased) Biso Yadav has sustained fire shot injury in back portion of his head and blood was oozing from his mouth and ear. It has been stated further that co-accused Krishna Mohan Yadav and the deceased were at inimical terms due to land dispute. Prior to the occurrence also, some altercations had taken place between the informant's side and the accused persons and co-accused Krishna Mohan Yadav threatened them to face dire consequences. Thereafter, it has been mentioned in the *fardbeyan* that due to the above-noted land dispute, nine accused persons named in the FIR, have murdered his father.

The learned counsel for the petitioners has submitted that after investigation, *Final Form* was submitted against the accused persons, but differing with the police report, the learned Magistrate has taken cognizance. By drawing my attention towards paragraph no. 39 of the case diary, the learned counsel for the petitioners has submitted that the witness, in paragraph No. 39



of the case diary, has stated that after the judgment of the civil suit, the dispute between the parties had ended. This witness has also stated that co-accused Dayanand Yadav, who was son-in-law of the deceased, had threatened the deceased to kill.

On the other hand, Mr. Shailendra Kumar, the learned Additional Public Prosecutor, assisted by the learned counsel for the informant, by drawing my attention towards paragraph Nos.6, 7, 8, 9, 10, 22 of the case diary, has submitted that the witnesses named the accused persons. The deceased has sustained bullet shot injury as per *post mortem* report mentioned in paragraph 34 of the case diary. The informant, in his statement, has stated that he had seen three persons, i.e. petitioner Amar Yadav, petitioner Shyam Yadav and co-accused Krishna Mohan Yadav @ Ojhal Yadav were fleeing away from the place of occurrence and just thereafter, he saw the dead body in a pool of blood.

The informant had seen petitioner Amar Yadav, petitioner Shyam Yadav and co-accused Krishna Mohan Yadav fleeing away from the scene of occurrence and soon thereafter, he saw the dead-body of his father, who sustained fire-arm injury on his head.

Considering the above-mentioned facts and circumstances, in my view, **petitioner Amar Yadav** and **petitioner Shyam Yadav** do not deserve the privileges for



anticipatory bail and accordingly, **their prayer for anticipatory bail is rejected.**

So far as **other petitioners are concerned, their prayer for anticipatory bail is allowed.** Let petitioners, namely, **Sablu Yadav @ Sablu Kumar Suman, Sahdev Yadav, Rajkumar Yadav, Sandip Kumar @ Sandip Yadav, Deepak Yadav,** in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Madhepura in connection with Murliganj P.S. Case No. 224 of 2019, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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