

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41182 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- LAUKAHI District- Madhubani

SHAILENDRA YADAV @ THUTHA YADAV @ SALENDAR YADAV S/O  
KULESHWAR YADAV R/O VILLAGE-BANGAMA, P.S.- LAUKAHI  
(NARHIYA), DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 43449 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- LAUKAHI District- Madhubani

NITESH KUMAR YADAV @ NITISH KUMAR YADAV Son of Kuldeo  
Yadav Resident of Village - Bangama, Police Station - Laukahi (Narhiya  
O.P.), District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 41182 of 2021)

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr. Suman Kumari Singh

(In CRIMINAL MISCELLANEOUS No. 43449 of 2021)

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      20-04-2022                      Heard learned Counsel for the petitioners and learned  
Additional Public Prosecutor for the State, in both the cases.

The petitioners seek regular bail in connection with  
Laukahi (Narhiya) Police Station Case No. 220 of 2020,  
registered for the offence punishable under Sections 302/34 of  
the Indian Penal Code.

The prosecution case, as per the First Information  
Report, is that while son of the informant was coming back from



the market on his motorcycle, he was accosted by some miscreants, who fired upon his son due to which, he died. It is further alleged that earlier in the year 2019, some altercation had taken place in a cultural programme organized during Chhath Puja and again on the Chhath Ghat, some of the accused persons belonging to neighbouring village Bangama were indulged in quarrel with the villagers of the informant and some of the villagers apprehended them and handed them over to Andhramath Police and since then they were holding grudge against the people of Dhawoli village and the informant belongs to Dhawoli village.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of suspicion only and nobody has seen the occurrence. They further submit that in a previous quarrel between some of the villagers of Bangama village, the petitioners along with other accused persons was apprehended and handed over to the police and on that very basis, the petitioners have been implicated in this case. They next submit that during course of investigation, statement of villagers of Dhawoli was recorded, in which they have not disclosed the name of the petitioners as assailants, however, one of the witnesses, whose statement was recorded in



paragraph 10 of the case diary, has only said that the petitioners were seen going from the village on the motorcycle. They, referring to paragraph 29 of the case diary, submit that one of the witnesses has stated that the petitioners informed the witness about the incident and one of the co-accused took her on the motorcycle near village-Dhawoli and said that the witness should inform the villagers and family members of the deceased about the incident and accordingly, the submission is that had the petitioners been assailants, they would not have given lift to the witness on the motorcycle to enable her to reach her village. They further submit that the confessional statement of the petitioner Nitesh Kumar Yadav was also recorded in which he has allegedly disclosed that one Sanny Prakash @ Sintu had fired upon the deceased and the name of the petitioner Shailendra Yadav has also transpired in the confessional statement of petitioner Nitesh Kumar Yadav. According to the confessional statement of the petitioner Nitesh Kumar Yadav, the petitioners are not the assailants. They further submit that similarly situated co-accused, Shankar Kumar Yadav, has been granted bail by this Court, vide order, dated 10.03.2022, passed in Criminal Misc. No. 34290 of 2021. They also submit that the petitioners are in custody since 28.11.2020 and charge sheet has



been submitted against them and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that there is no eye-witness to the occurrence, petitioners have been made accused on the basis of suspicion only, similarly situated co-accused has been granted bail by this Court, they are in custody since 28.11.2020 and charge sheet has been submitted, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned 3<sup>rd</sup> Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Laukahi (Narhiya) Police Station Case No. 220 of 2020.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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