

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42531 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- SANGRAMPUR District- Munger

1. ROSHAN KUMAR @ RASHAN YADAV @ ROSHAN KUMAR YADAV
Son of Sri Devendra Yadav, Resident of Village- Bari Mahuli, P.S.- Muffasil,
District- Munger.
2. DEVENDRA KUMAR @ DEVENDRA YADAV @ DEVENDRA KUMAR
YADAV Son of Late Lakshmi Yadav Resident of Village- Bari Mahuli, P.S.-
Muffasil, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ankit Kumar, Adv.
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Ajit Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioners seek bail in connection with
Sangrampur P.S. Case No. 88/2020 registered for the offences
punishable under Sections 302/34 the Indian Penal Code and
Section 27 of the Arms Act.

As per FIR, it appears that one Bibhishan Yadav is
brother-in-law (sister's husband) of the deceased. The informant



is the brother of the deceased. It is alleged in the FIR that the deceased, the said Bibhishan Yadav and co-accused, namely, Rajeev Ranjan were going to some place in two motorcycles. On their way, allegedly, the deceased was shot dead by unknown miscreants.

Learned counsel for the petitioners submits that the name of the petitioners have been transpired during the course of investigation as mentioned in para 3 of the case diary as well as para 13 of the case diary. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case due to land dispute (Annexure-2). He further submits that FIR has been lodged against unknown persons and the only witness present at the spot and time of occurrence, namely Vibhisan Yadav, has not named the petitioners. He further submits that Vibhisan Yadav could have easily identified the shooters as Vibhisan Yadav and Rajeev Ranjan who were relatives of the petitioners. It is further submitted that wife of petitioner no.2, namely, Rambha Devi is the only daughter-child to her parent. After death of her father Pyare Yadav, Bihari Yadav (deceased) who was her cousin started selling land of her share as also made house on some of the remaining portion. As such Rambha Devi came up with Title



Suit No. 223/2017 against Bihari Yadav (deceased) and others. It is further submitted that allegation made against the petitioners is afterthought as none have named the petitioners at their first meeting with the police and have leveled false allegations against the petitioner at belated stage. Co-accused, namely, Rajiv Ranjan has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 62674/2021 and the name of the petitioners have been roped only on the basis of suspicion. The petitioners are in custody since 26.03.2021 and petitioner no.1 bears no criminal antecedent and petitioner no.2 has one criminal antecedent in which he is on bail. Charge sheet has already been submitted and there is no likelihood of tampering the prosecution evidence.

Learned counsel for the informant submits that there is corroborative evidence found alleged in the FIR during course of investigation, which has supported the case of prosecution.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view FIR against unknown persons and also taking into consideration the material



available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Munger in connection with Sangrampur P.S. Case No. 88/2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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