

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53430 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- HASANPUR District- Samastipur

Ramdhani Kumar @ Ramdhani Yadav, S/o Daya Ram Yadav Resident of
Village- Bahorwa, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sita Ram Prasad, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-05-2022 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

The petitioner is in judicial custody in connection
with Hasanpur P.S. Case No.198 of 2020 lodged on 01.09.2020
under section 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per the prosecution case, a quarrel took place
between his uncle, Sujit Kumar and the accused persons
including the petitioner herein and they threatened him of dire
consequences. Around mid night three persons came on
motorcycle and fired four to five rounds. Upon objection, it is
alleged that Santosh Kumar Yadav, Ramdhani Yadav (petitioner
herein) and Gunjan Yadav as well as three unknown persons
resorted to indiscriminate firing hitting in the stomach of his
brother Rahul Kumar. As the villagers assembled, the accused



persons fled away. The injured Rahul Kumar was taken to the hospital where he succumbed to his injuries.

In this case, case diary was called for on 06.04.2022 which has now been received and has been perused by the learned APP. The allegation against the accused persons are of indiscriminate firing which led to the killing of Rahul Kumar.

The learned Senior Counsel for the petitioner beside the delay in the lodging of the FIR further submits that a bare perusal of para-62 of the supplementary case diary shows that one of the independent witness, namely Lalu Yadav has stated that it was accused Santosh Kumar Yadav who had a scuffle with the deceased person earlier whereafter he along with Ramdhani Yadav and Gunjan Yadav went to the house of the deceased and it has further been stated that it was accused Santosh Kumar Yadav resorted to indiscriminate firing which hit Rahul Kumar in the stomach and he succumbed to his injuries on way to the hospital.

Taking into account the aforesaid fact that specific allegation has been made against the accused Santosh Kumar Yadav of having resorted to indiscriminate firing which resulted into the death of Rahul Kumar, the charge sheet has already been submitted and the petitioner is in jail since 02.12.2020 (as



stated in para-13 of the bail application), this Court is inclined to grant him the privilege of bail but with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Hasanpur P.S. Case No.198 of 2020 to the satisfaction of learned A.C.J.M.,IIIrd, Rosera, Samastipur, subject to following conditions:

(i) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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