

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65926 of 2021

Arising Out of PS. Case No.-142 Year-2008 Thana- BATHNAHA District- Sitamarhi

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RAMESH KUMAR YADAV @ RAMESH RAY Son of Late Sitaram Ray
Resident of Village - Yogiwana, P.S.- Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 70572 of 2021

Arising Out of PS. Case No.-142 Year-2008 Thana- BATHNAHA District- Sitamarhi

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TEK NARAIN YADAV Son of Devendra Prasad Yadav Resident of Vill.-
Tandashpur Zoka, P.S.- Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65926 of 2021)

For the Petitioner/s : Mr. Bhola Prasad, Advocate
Mr. Indrajeet Kumar, Advocate
Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar

(In CRIMINAL MISCELLANEOUS No. 70572 of 2021)

For the Petitioner/s : Mr. Sanjay Kumar Sinha
For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioners seek bail in a case registered for the



offences punishable under Sections 302/34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant Vijay Kumar @ Dharmender Kumar's in brevity is that on 12.12.2008, when informant, local Mukhiya Jitender Raut, Ashok Baitha, Bkau Panjiyar and Umesh Paswan had gone for panchayati and after panchayati and refreshment, all the above named persons moved for Sitamarhi in two motorcycles. It is stated that at 7.00 p.m. when they reached near Goghara turning, a truck was standing there and near Banyan tree, firing started suddenly. It is stated that Mukhiya Jitender Raut somehow moved forward after saving himself from firing on motorcycle but accused Rajnarain Yadav, Suresh Yadav Kaushal Yadav, Surender Yadav were standing there from front side and they started firing discriminately on both the motorcycles and the accused pushed a motorcycle towards the motorcycle of informant and Umesh Paswan. It is stated that the motorcycle hit the motorcycle of informant and they fell down near the side of the road and thereafter 12-13 persons armed with firearms came there and started firing the three persons after surrounding them. It has been stated that the miscreants identified the Mukhiya and started firing on him continuously. It is stated that informant and



Ashok Baitha somehow escaped from there but the informant was hit in stomach while Ashok Baith was hit on thigh and Umeshh Paswan was hit on arms with bullet. It is stated that Narender Singh, Teknarain yadav, Bindu Raut were identified in the light of truck and motorcycle while rest miscreants were seen and identified by the informant but does not know their names, though he can identify them. It is stated that miscreants were 18-20 in number and they all were threatening of killing Mukhiya Jitender Raut.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that petitioner namely, Ramesh Kumar Yadav alias Ramesh Ray is not named in the F.I.R. and the name of the said petitioner has been transpired during investigation and it appears from the F.I.R. that there is general and omnibus allegation against this petitioner. He further submits that petitioner no. 2 namely, Tek Narain Yadav is the named in the F.I.R. and there is no specific allegation against the petitioner no.2. He further submits that similarly situated, co-accused, namely, Kaushal Yadav @ Kaushal Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated



30.03.2010 passed in Cr. Misc. No. 5629 of 2010, another co-accused namely, Bindu Raut has been granted bail by a co-ordinate Bench of this Court vide order dated 05.03.2010 passed in Cr. Misc. No. 6994 of 2010. The petitioner no.1 is in custody since 17.09.2021 and petitioner no.2 is in custody since 18.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1. namely, Ramesh Kumar Yadav @ Ramesh Ray has one criminal antecedent and petitioner no.2 namely, Tek Narain Yadav has three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bathnaha P.S. Case No. 142 of 2008, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence



on two consecutive dates without sufficient reason,
their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court
below shall verify the criminal antecedent of the
petitioners and in case at any stage it is found that the
petitioners have concealed their criminal antecedent,
the court below shall take step for cancellation of bail
bond of the petitioners. However, the acceptance of
bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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