

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58023 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

Niranjan Yadav Son Of Panch Lal Yadav Resident Of Village - Jhilipara, P.S.-
Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55521 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

Suresh Yadav Son Of Panchul Lal Yadav R/V- Jhilipara, P.S- Azamnagar,
Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56237 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

Balram Yadav @ Balram Kumar Yadav Son Of Suresh Yadav Resident Of
Village - Jhillipara, P.S.- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60499 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- AAJAM NAGAR District- Katihar

Pappu Yadav Son Of Suresh Yadav Resident Of Village - Jhilipara, P.S.-
Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58023 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma
Ms. Priyanka Singh

For the Opposite Party/s : Mr. Rajendra Prasad Nat

(In CRIMINAL MISCELLANEOUS No. 55521 of 2022)

For the Petitioner/s : Mr. Yogesh Chandra Verma



Ms. Priyanka Singh
For the Opposite Party/s : Mr. Md. Mushtaque Alam
(In CRIMINAL MISCELLANEOUS No. 56237 of 2022)
For the Petitioner/s : Mr. Yogesh Chandra Verma
Ms. Priyanka Singh
For the Opposite Party/s : Mr. Abhay Kumar
(In CRIMINAL MISCELLANEOUS No. 60499 of 2022)
For the Petitioner/s : Mr. Yogesh Chandra Verma
Ms. Priyanka Singh
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioners,

informant and learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 302, 120(B)/34 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case as per F.I.R is that the

informant had gone to perform Puja to Shiv Mandir,

Gosaipara with her husband and while they were

returning, on way, two miscreants intercepted them and

fired from their pistol which hit on the abdomen of the

husband of the informant, as a result of which, he

sustained bullet injury on his abdomen. The miscreants

also fired at the informant, but it did not hit the



informant. The informant alleged that prior to the occurrence, the accused persons had also attacked the brother-in-law (Dewar) of the informant, but somehow he saved his life. The husband of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. Although the petitioners were named in the F.I.R but no specific overt act has been alleged against the petitioners. During investigation also, no specific materials were found against the petitioners which show that petitioners are directly involved in the commission of murder of the husband of the informant. It is only alleged against the petitioners that they have conspired in the commission of murder of the husband of the informant. It is also the admitted fact that petitioner/Niranjan Yadav is the husband of the sister of the deceased and this false case has been lodged only to pressurize the petitioner since



the wife of petitioner/Niranjan Yadav had demanded her share in her parental properties. The informant is alleged to be the eye witness to the occurrence but she did not claim that petitioners were present at the place of occurrence. The C.D.R does not prove this fact that petitioners have direct involvement in this case as many accused persons are relatives of both the parties. It is also submitted that the main assailant who was not named in the F.I.R was apprehended during investigation who confessed about the complicity of the petitioners in the commission of murder. The confession before the police has no evidentiary value in the eyes of law. A statement has been made in para 3 of the petition that petitioners have clean antecedents except petitioner/Niranjan Yadav who has been made accused in a case.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the C.D.R of the



accused corroborates this fact that they had played role in the commission of murder of the deceased. The sharpshooters who were later arrested had stated about the complicity of the petitioners.

Considering the fact that there is no direct allegation against the petitioners in the murder of the husband of the informant, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 196 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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