

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63181 of 2021

Arising Out of PS. Case No.-578 Year-2019 Thana- TURKAULIYA District- East
Champaran

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RAKESH YADAV Son of Musafir Ray Resident of Village- Jaisingpur
Karamwa, P.S.- Turkolia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70598 of 2021

Arising Out of PS. Case No.-578 Year-2019 Thana- TURKAULIYA District- East
Champaran

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ARUN KUMAR YADAV @ MRITUNJAY KUMAR Son of Awadh Kishore
Prasad Yadav Resident of village - Jaisinghpur, Karamawa, P.S.- Turkauliya,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 63181 of 2021)

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Ms.Madhuri Lata

(In CRIMINAL MISCELLANEOUS No. 70598 of 2021)

For the Petitioner/s : Mr.Vikas Kumar

For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 26-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Turkolia
P.S. Case No. 578/2019 registered for the offences punishable
under Sections 147, 148, 149, 341 and 302 of the Indian Penal



Code and Section 27 of the Arms Act.

As per prosecution case, on 20.08.2019 at 12.30 hours, the mother and father of the informant after taking meal were sleeping on the bed in the outer portion of the house. In the meantime, the petitioners and other accused persons entered into the informant's Marai. Accused, Bipin Yadav, Arvind Pd. Yadav and Lal Babu Yadav ordered to kill the informant's father. The informant and his father sitting on Chowki, petitioner, Rakesh Yadav fired on his father then his father fell down. Then co-accused, Dilip Kumar Yadav fired on the head of the father of the informant. Thereafter, petitioner, Arun Kumar Yadav also fired third time with his Nalkatuwa. Thereafter, co-accused, Akhilesh Yadav, Kanhaiya Yadav and Harendra Rai checked the body of the deceased to ascertain that the deceased had died.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case due to dirty village politics. Petitioner, Rakesh Yadav is languishing in custody since 06.08.2021 and bears no criminal antecedent. Petitioner, Arun Kumar Yadav @ Mritunjay Kumar is languishing in custody since 22.08.2021 and bears three criminal antecedents. No incriminating article has been recovered from the conscious possession of the petitioners.



Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners through supplementary affidavit submits that in their depositions, P.W.-1 Mahadeo Rai, who is father of deceased and P.W.-2, Seema Devi, who is the wife of deceased, both have stated in their deposition that they have nothing said about the accused persons including the petitioners, what has been alleged in the FIR as they have categorically stated that they have no knowledge as to who has committed the murder of Nand Kishore Yadav (deceased). P.W.-3 Sonu Kumar, who is the son of deceased (informant), has stated that he was not present at the time of occurrence and he came after 20-25 minutes of the alleged occurrence and he has not supported the prosecution case as stated in the FIR and he has not stated anything about the accused persons including the present petitioners of the present case.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkolia P.S. Case No. 578/2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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