

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16462 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- HABIBPUR District- Bhagalpur

1. RAJENDRA YADAV SON OF LATE MUSAN YADAV R/O SHAHJANGI NAUTOLIA, P.S.- HABIBPUR, DISTRICT- BHAGALPUR
2. SANTOSH YADAV SON OF RAJENDRA YADAV R/O SHAHJANGI NAUTOLIA, P.S.- HABIBPUR, DISTRICT- BHAGALPUR
3. NEELU YADAV @ NITISH KUMAR SON OF RAJENDRA YADAV R/O SHAHJANGI NAUTOLIA, P.S.- HABIBPUR, DISTRICT- BHAGALPUR
4. MEGHA DEVI WIFE OF RAJENDRA YADAV R/O SHAHJANGI NAUTOLIA, P.S.- HABIBPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Habibpur P.S. Case No. 181 of 2022 for the offence registered under sections 302, 506, 34 and 120(B) of the Indian Penal Code lodged on 09.11.2022 by the informant, Vikki Kumar.

The prosecution story, in brief, as follows:-



(a) it is alleged that when he was returning home after work in the evening at 5.00 PM, he received information on phone at 6.05 PM that his mother has been shot by means of fire arms in front of the house of Basar Ali and villagers are bringing her hospital. When he reached hospital her mother was declared dead.

(b) it is further alleged that he received information that Ram Bilash Yadav @ Vinna and Ravi Yadav killed his mother and other accused persons are also involved in the occurrence.

(c) it is further alleged that the reason behind this occurrence is that there was quarrel on 28.10.22 on the issue of stopping water and Ravi Yadav, brother in law of Uchit Yadav has threatened to kill by fire arms at his home.

(d) it is further alleged that on that day in the morning Ravi Yadav and Ram Bilash Yadav @ Vinna have also threatened to kill by fire arms and both have killed his mother by means of fire arms in the evening in front of the house of Basar Ali on Shahjangi Nautolia Road when his dead mother Rani Devi was returning from Hatia after purchasing vegetables.

(e) it is further alleged that villagers have seen the occurrence that both have killed his mother.



Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioners that the main allegation is against Ram Bilash Yadav and Ravi Yadav and they have been implicated as accomplices. The further submission is that they do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the killing has taken place.

In view of the allegations made in the FIR against Ram Bilash Yadav @ Vinna and Ravi Yadav of killing the mother of the informant and regarding others omnibus allegation has been made, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bhagalpur in connection with Habibpur P.S. Case No. 181 of 2022 subject to condition as laid down



under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

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

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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