

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22670 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

1. ASHOK YADAV S/o Mahakant Yadav R/o village- Pilakhwar, P.S.-
Rajnagar, District- Madhubani
2. Santosh Yadav S/o Mahakant Yadav R/o village- Pilakhwar, P.S.- Rajnagar,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31340 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

DANI LAL YADAV @ DANI YADAV Son of Jagdish Yadav @ Bangtu
Yadav Resident of Village - Pilakhwar, P.S. - Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32253 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- RAJNAGAR District- Madhubani

RAM VILASH YADAV @ RAM TILASH YADAV Son of Late Phuleshwar
Yadav Resident of village - Pilkhbar, P.S. - Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22670 of 2022)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Ugranath Mallik, Advocate

For the State : Mr. Uday Chand Prasad, APP

For the Informant : Mr. Sanjay Kumar Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 31340 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate



For the State : Mr. Ramchandra Sahni, APP
(In CRIMINAL MISCELLANEOUS No. 32253 of 2022)
For the Petitioner/s : Mr. Gopal Jha, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-01-2023 Heard learned senior counsel for the petitioners and
learned APP for the State.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 307, 147, 148, 149, 341, 506, 504, 323, 324, 325, 326, 427 and 379 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, it is stated by the informant that the 19 named accused persons including the petitioners Dani Lal Yadav and Ram Vilash Yadav along with 25-30 other accused persons came variously armed and started to assault the informant and others who were performing the shradh ceremony of the informant's wife. It is further stated that on the orders of Bhageshwar Yadav and Ram Sundar Yadav, the petitioner Dani Lal Yadav and one Ranjay Yadav resorted to indiscriminate firing as a result of which the brother of the informant sustained gunshot injury in his chest and died. Thereafter, it is stated that the other accused persons also



variously armed assaulted the informant and the members of his family.

It is submitted by learned Senior counsel appearing for the petitioners that Ashok Yadav, Santosh Yadav and Ram Vilash Yadav are not named in the FIR. They have been falsely implicated in the case in course of investigation. The petitioners Ashok Yadav and Santosh Yadav are in custody since 30.1.2022 while Ram Vilash Yadav is in custody since 27.1.2022.

It is submitted by learned counsel appearing for the petitioner Dani Lal Yadav that although the petitioner along with one Ranjay Yadav is said to have fired on the brother of the informant which hit him below the chest, however, on perusal of the contents of the postmortem report only one gunshot injury has been found. The postmortem report does not support the prosecution case. It is further submitted that the son of the petitioner was killed for which FIR at Annexure-2 was registered by the petitioner Dani Lal Yadav in which charge sheet has been submitted. Ever since the said occurrence, the informant side of the instant case has been trying to falsely implicate the petitioner in one or the other case with the purpose that the witnesses do not depose in the said case lodged by the petitioner. It is further submitted that although it is stated that



the injured was treated first at Sadar Hospital, Madhubani and thereafter referred to D.M.C.H, Darbhanga however, no such report of treatment has come in course of investigation. The petitioner is in custody since 10.2.2022 and investigation in the case has concluded.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that so far as the petitioners Ram Vilash Yadav and Dani Lal Yadav are concerned, they are named in the FIR and there is specific allegation against Dani Lal Yadav of having fired as a result of which the brother of the informant died. It is submitted that in course of investigation the witnesses have supported the allegations not only against these two petitioners but also against the petitioners Ashok Yadav and Santosh Yadav to the effect that all of them were armed and actively participated in the occurrence in which not only the brother of the informant was shot and killed but large number of persons sustained serious injuries.

Having heard learned counsel for the parties and taking into consideration that not only the petitioner Dani Lal Yadav is named in the FIR but there is specific allegation against him that he along with one another resorted to



indiscriminate firing resulting in the death of the brother of the informant, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Further taking into consideration that the allegations on the petitioner Ram Vilash Yadav is general and omnibus along with the other accused persons and he is not said to be the assailant of the brother of the informant together with the petitioners Ashok Yadav and Santosh Yadav not having been named in the FIR and charge sheet having been submitted in the case, the Court directs the petitioners Ram Vilash Yadav, Ashok Yadav and Santosh Yadav to be enlarged on bail in connection with Rajnagar P.S. Case no. 15 of 2022 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Madhubani.

(Partha Sarthy, J)

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