

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45420 of 2022**

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

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Ranjan Yadav @ Ranjan Kumar Yadav Son Of Sri Dani Yadav @ Dani Lal
Yadav Resident Of Village - Pilakhwar, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 17-03-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 147, 148, 341, 506, 504, 323, 324, 325, 326,

307, 427, 302, 379, of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case as per F.I.R. is that 19

named accused persons including the petitioner along



with 25-30 other accused persons came variously armed and started to assault the informant and others, who were performing the ritual of demise of the informant's wife. It is further alleged that on the orders of co-accused Bhageshwar Yadav and Ram Sundar Yadav, the petitioner and co-accused Dani Lal Yadav resorted to indiscriminate firing, as a result of which the brother of the informant, Deonandan Yadav sustained gunshot injury in his chest and he died.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner and co-accused Dani Lal Yadav are alleged to have fired on the brother of the informant, as a result of which, he died but vide para 88 and 89 of the case diary, the witnesses stated that Dani Lal Yadav only fired upon the person of the deceased, not this petitioner. So, the prosecution case has become doubtful. During investigation, one Dharam Yadav, an independent witness has stated



before the police that on the date and time of occurrence, he was present at the premises of Sanskrit High School within his village where Navkesh ceremony in relation to death of mother of Ram Kumar Yadav was taking place where due to earlier dispute, the petitioner and other F.I.R named accused persons along with 25-30 came armed with weapons and started assaulting them and during attack, co-accused Bhageshwar Yadav exhorted to kill, on which, co-accused Dani Lal Yadav fired from his pistol on Deonandan Yadav causing injury in his beli and fell down. He was taken to the hospital where he succumbed to the injuries during treatment. It is also submitted that another independent witness namely Umesh Yadav, during investigation has stated before the police that on the alleged date and time, he was present at the place of occurrence when all of a sudden, the petitioner and other F.I.R named accused persons including 20-30 unknown persons armed with weapons surrounded them and started assaulting. He



further alleged that co-accused Bhageshwar Yadav ordered to kill, upon which, Dani Lal Yadav fired from his pistol at Deonandan Yadav causing injury and he fell on the ground. In this incidence, other persons also sustained injuries who were taken to the hospital. During treatment, the injured Deonandan Yadav died. The postmortem report also does not corroborate the case of the prosecution as the postmortem report suggests that only one gunshot injury was found on the body of the deceased. It is further submitted that earlier the brother of the petitioner was killed for which Rajnagar P.S. Case No. 181 of 2017 was instituted against the informant and others in which charge-sheet has been submitted. It is also 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 the course of investigation. The petitioner is languishing in custody since 10.02.2022. Moreover, other co-accused



persons have been granted bail by a coordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 22670 of 2022 and other analogous cases.

Learned counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is named in the F.I.R and there is specific allegation against him of having fired, as a result of which, the brother of the informant died. During course of investigation, the witnesses have supported the allegation.

Considering the fact that postmortem report does not corroborate the prosecution version as alleged against the petitioner and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Madhubani in connection with Rajnagar



P.S. Case No. 15 of 2022.

(Sunil Kumar Panwar, J)

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