

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48297 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- RAJNAGAR District- Madhubani

Sahdev Yadav Son Of Late Ramdev Yadav R/V- Ranti Mohanpur, P.S-
Rajnagar, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49403 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- RAJNAGAR District- Madhubani

1. Kapildev Yadav Son Of Thakkan Yadav @ Dhakkan Yadav Resident Of Village - Ranti Mohanpur, P.S.- Rajnagar, Distt.- Madhubani.
2. Ajeet Kumar Yadav Son Of Sahdev Yadav Resident Of Village - Ranti Mohanpur, P.S.- Rajnagar, Distt.- Madhubani.
3. Raja Yadav Son Of Rajdev Yadav Resident Of Village - Ranti Mohanpur, P.S.- Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48297 of 2022)

For the Petitioner/s : Mr.Subhash Kumar Jha
Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr.A.P.P

(In CRIMINAL MISCELLANEOUS No. 49403 of 2022)

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application



for grant of regular bail in a case registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case in nutshell is that co-accused namely Vijay Mukhiya and Shyam Das took away the husband of the informant on motorcycle. It is further alleged that after sometime informant got information that Sahdev Yadav(petitioner in Cr. Misc. No. 48297 of 2022) shot on the chest of the informant's husband and ordered other co-accused persons to kill him. Thereafter, co-accused Rohit Yadav shot in the stomach of the informant's husband and other co-accused persons started firing indiscriminately due to which he succumbed to gun shot injuries. It is further alleged that one Fulbabu told that all the named accused persons including the petitioners and some unknown made firing upon him.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they



have committed no offence. They have falsely been implicated in the present case. It is also submitted that petitioners are languishing in judicial custody for more than 6 months. It is further submitted that there is no eye witness of the alleged occurrence and Fulbabu has not been examined by the police to prove his statement. There is no specific material evidence against the petitioners in the commission of the alleged occurrence. Specific allegation of shot fire is against co-accused Rohit Yadav. Moreover, the independent witness Sambhu Kumar Yadav, in his statement recorded in para 72 of the Case Diary has stated that all the F.I.R. named accused persons including 3-4 unknown criminals shot fire at the victim, which appears to be general and omnibus allegation against the petitioners.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and



circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Rajnagar P.S. Case No. 108 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1st, Madhubani.

(Sunil Kumar Panwar, J)

nirajkrs/-

U		T	
---	--	---	--

