

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60063 of 2023

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

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RAMKHELAWAN YADAV SON OF KAILU YADAV RESIDENT OF
VILLAGE- LDUMBA KARRA, PS- LAXMIPUR, DISTT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Sr. Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2023 Heard Mr. Krishna Kumar Singh, learned Senior
Counsel for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 323 of 2021 arising out of Jhajha P.S. Case No. 18 of 2019 punishable under Sections 147, 148, 149, 302, 427, 120(B) of the Indian Penal Code and 27 of the Arms Act, 3/4 of the Explosive Substance Act lodged on 19.11.2019 by the informant, Sanjay Yadav.

3. As per prosecution case, it is alleged that on the date of occurrence, while Rajesh Yadav, Manoj Yadav and driver Mamta Yadav were returning from Scorpio car, in the meantime, at Teldiha More, all the FIR named accused persons surrounded them and thrown Bomb and shot them dead but the driver Mamta Yadav fled away.



4. It is submitted by the learned counsel for the petitioner that informant is not an eye witnesses to the alleged occurrence, moreover, the driver, who allegedly fled away from the place of occurrence and narrated the incident to the informant, has been made accused in this case. It is further submitted that there is general and omnibus allegation against 15 FIR named accused persons and no specific allegation has been attributed against anyone. It is next submitted that the tenor of the FIR, it is evident that there is political enmity between both the parties and moreover, one of the co-accused, namely Dharmendra Paswan against whom identical allegation is levelled has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 43176 of 2019 vide order dated 29.08.2019. The copy of which has been annexed as Annexure-2. It is lastly submitted that this petitioner is in custody since 13.01.2022 and moreover, the case is committed to the court of Sessions.

5. On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is allegation against all the F.I.R named accused persons that they have hurled Bomb and made indiscriminate firing due to which two persons died. It is also submitted that this



petitioner is carrying criminal antecedent and he has been found involved in six other cases.

6. Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation, apart from the fact, that the informant is admittedly not an eye witness to the alleged occurrence and moreover, person who is having identical allegation has been granted bail by learned co-ordinate Bench of this Court, in as much as, this petitioner is in custody since 13.01.2022, let the petitioner above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Jamui in connection with Sessions Trial No. 323 of 2022 arising out of Jhajha P.S. Case No. 18 of 2019 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows;-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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 the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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