

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56065 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- BELHAR District- Banka

1. ARJUN YADAV SON OF LATE DAROGI YADAV RESIDENT OF VILLAGE- NIMIYA, POLICE STATION -BELHAR, DISTRICT- BANKA
2. SUKRI DEVI WIFE OF ARJUN YADAV RESIDENT OF VILLAGE- NIMIYA, POLICE STATION -BELHAR, DISTRICT- BANKA
3. SIMA DEVI WIFE OF MANOJ YADAV RESIDENT OF VILLAGE- NIMIYA, POLICE STATION -BELHAR, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Belhar P.S. Case No. 209 of 2023 registered under Sections 302, 307, 326, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 16.05.2023 by the informant, Veena Devi.

As per the prosecution story, Rajesh Yadav was in illicit relationship with the informant's 'gotni', this was being objected by the persons on whom Rajesh Yadav was furious and on the fateful day, he saw the husband of the informant and



opened fire, it hit his stomach and he fell down. The allegation is that he repeated the shot which hit Samri Devi's right leg, she too fell down. Thereafter, both were taken to the hospital where Arbind Yadav was declared dead while Samri Devi was referred to Dayanand hospital. This followed the FIR.

It is the case of the petitioners that they are family members of the lady whom it is alleged she was having illicit relationship with Rajesh Yadav and contrary to the expected norm that they should have been in opposition, the allegation is that they were supporting Rajesh Yadav. It is his further submission that in any case, the allegation of opening of fire is against Rajesh Yadav which proved vital.

Learned APP, on the other hand, opposes the prayer stating that it was their support to Rajesh Yadav that emboldened him and led to the death of the informant's husband.

Considering the submission put forward by the learned counsel for the parties, the fact remains that the allegation is on Rajesh Yadav of opening fire causing the death of the informant's husband, the petitioners are in custody since 25.04.2023 (as stated in paragraph-4 of the petition) and do not have criminal antecedent, this Court is inclined to extend them



the privilege of bail.

Let the petitioners, above named, be released on 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 Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 209 of 2023 subject to the following conditions:

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

(ii) the petitioners 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 petitioner no. 1, Arjun Yadav shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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