

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56395 of 2023

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

1. Md. Ujale @ Md. Niyaj Ahmad @ Md. Niyaj @ Niyaj Ahmad son of Md. Samimuddin @ Md. Munna Village- Rahika Barhatola Ps- Rahika Dist- Madhubani
2. Bhola Kumar @ Vikas Sah @ Vikas son of Shatrudhan Sah @ Shatrudhan Sahu Village- Basuar @ Basuwara Ps- Madhubani Town Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Subhash Kumar Jha, Advocate
For the Opposite Party/s :	Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Rajnagar P.S. Case No. 108 of 2022 for the offence punishable under Sections 302, 120(B) of the Indian Penal Code and section 27 of the Arms Act lodged on 1.5.2022 by the informant, Kiran Devi.

As per the prosecution story, the allegation is that Vijay Mukhiya and Shyam Kumar Das took away the husband of the informant on motorcycle and thereafter specific allegation is that Sahdeo Yadav opened fire causing injury on the chest whereas Rohit Yadav gave gun-shot injury on the stomach. The allegation against other accused persons is/are of firing



indiscriminately. Subsequently, the husband of the informant was rushed to the hospital where the Doctor declared him dead. Accordingly, the FIR.

It is the case of the petitioners their name have come in the confessional statement of Rohit Yadav. From the FIR, it is clear that both Sahdeo Yadav and Rohit Yadav, there is/are specific allegation of causing injury in the chest and stomach. His submission is that both of them have since been released on bail by coordinate benches of this Court in Cr. Misc. No. 48297 of 2022 (Sahdeo Yadav) and Cr. Misc. No. 44374 of 2023 (Rohit Yadav). Further submission is that the persons who took away the informant's husband on motorcycle namely Vijay Mukhiya ad Shyam Kumar Das were also extended the privilege of anticipatory bail in Cr. Misc. No. 61155 of 2022 and 62115 of 2022 by this Court.

Learned APP opposes the prayer stating that against all other accused persons there is allegation of indiscriminate firing, however, he concedes that although the persons against whom there is main allegation, have been extended the privilege of bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioners, as stated above, his



period of custody i.e. 17.7.2023 (para-14 of the petition), this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Madhubani, in connection with Rajnagar P.S. Case No. 108 of 2022 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark their 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 the 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 their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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