

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56969 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- RANIGANJ District- Araria

1. Dhirendra Yadav Son of Mukhdeo Yadav R/V- Barhuwa, P.S- Raniganj, Dist- Araria
2. Ravikant Yadav @ Ravi kant Kumar Son of Sri Dhirendra yadav R/V- Barhuwa, P.S- Raniganj, Dist- Araria
3. Pawan Yadav @ Pawan Kumar Son of Mahesh Yadav R/V- Jhalighat, P.S- Jankinagar, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60904 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- RANIGANJ District- Araria

Mithilesh Yadav @ Mithilesh Kr. Yadav S/o Parmanand Yadav R/o Village - Lakunma, P.S. - Bausi, District - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68638 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- RANIGANJ District- Araria

Ruby Devi @ Ruby Kumari Wife of Ravikant Yadav Resident of village - Barhua, P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56969 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.

For the Informant : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 60904 of 2022)
For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP
(In CRIMINAL MISCELLANEOUS No. 68638 of 2022)
For the Petitioner/s : Mr. Shivnandan Bharti, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Raniganj P.S. Case No. 228 of 2022 lodged under Sections 147,
148, 149, 302 of the I.P.C.

As per the prosecution case, the informant has alleged
that the accused persons alongwith others were abusing his son.
Upon receiving such information, he reached to the house of the
accused Dhirendra Yadav and have seen that the door is locked
from outside and people are assaulting his son inside. When the
villagers were collected and broken the door, then they have
seen that his son Chhotu Kumar is no more. Thereafter, they
have filed a criminal case against him.

Learned counsel for the petitioners of Cr. Misc. No.
56969 of 2022 submit that from the contents of the F.I.R., it
transpires that there is no eye witness and the story of assaulting

in a specific way is not possible for the informant to disclose. Counsel submits that the F.I.R. is basically a concocted F.I.R. and only after investigation, it shall come outside that how death of the informant's son has taken place. Counsel submits that petitioners are ready to support in the trial. He submits that petitioner no. 1 has one criminal antecedent in which he is on bail and petitioner no. 2 and 3 having no criminal antecedent. He further submits that petitioner no. 1 and 2 are in custody since 07.07.2022 and petitioner no. 3 is in custody since 20.07.2022. Counsel further submits that the petitioner of Cr. Misc. No. 68638 of 2022 is also having no criminal antecedent and she is in custody since 12.09.2022.

Learned counsel for the petitioner of Cr. Misc. No. 60904 of 2022 submits that petitioner is not a resident of the village, rather he is a stranger and he has nothing to do with the affairs of the co-villagers. His name has been added in this case only and only by virtue of a distant relative.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the informant may not be in a position to provide the manner under which his son

died but it is also true that upon breaking the door, his dead body was recovered from the house of Dhirendra Yadav and, therefore, their bail may not be granted.

Upon specific query that whether charge has been framed in this case or not, counsel fairly submits that still charge has not been framed.

Learned counsel for the informant submits that he is ready to adduce all the evidences within 2 months from the date of framing of the charge.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present but liberty is hereby granted that they may renew their prayer for bail after 3 months of framing of charge and the Trial Court is directed to release them on bail, thereafter. The prosecution is at liberty to adduce the evidence in between.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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