

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28727 of 2024

Arising Out of PS. Case No.-32 Year-2021 Thana- SALAKHUA District- Saharsa

- 1. Ranjeet Yadav @ Ranjit Yadav S/o Jawahar Yadav R/o vill - Baluahi, P.s. - Khagaria, Distt. - Khagaria
- 2. Manilal Yadav @ Ritesh Kumar S/o Rana Yadav @ Rana Pratap Yadav R/o vill - Chukti, ward no. 14, P.S. - Manshi, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33805 of 2024

Arising Out of PS. Case No.-32 Year-2021 Thana- SALAKHUA District- Saharsa

Raushan Yadav Son Of Late Ramanand Yadav Resident Of Village - Belahi, Chiraiya O.P, P.S.-SALKHUA, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 28727 of 2024)
For the Petitioner/s : Mr.Shekhar Kumar Singh, Adv
For the Opposite Party/s : Mr.Ahmad Ali, APP
For the Informant Mr. Manoj Kumar Pandey, Adv
(In CRIMINAL MISCELLANEOUS No. 33805 of 2024)
For the Petitioner/s : Mr.Buddhi Lal Yadav, Adv
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 02-08-2024 Heard learned counsels for the petitioners and

learned APPs for the State.

2. Petitioners seek regular bail in connection with

Salkhua (Chiraiya O.P) P.S. Case No. 32 of 2021 registered for

the offences punishable under Sections 147, 148, 149, 302, 379,



504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the FIR was lodged by one Rinku Devi , who happens to be the wife of brother of the deceased. The FIR itself goes to show that the said Rinku Devi was not an eye witness of the alleged occurrence and it has been revealed in the FIR that the deceased went to Basa of one Bum Singh for purchasing fodder and then the accused persons including the petitioners started abusing the deceased and at the instigation of co-accused Prakash Yadav, Kishore Mahto, Sumit Yadav, Satyanarayan Yadav @ Pappu Yadav opened fire at the deceased causing firearm injury at the head of the deceased resulting in his death on the spot but in fact, the said prosecution story is completely false and in this regard the statement of Bum Singh, who is said to be an eye witness of the alleged occurrence, may be perused which shows that there was deep rooted enmity and rivalry between the deceased and one namely, Bipin Yadav and according to Bum Singh, two persons namely, Sanjay Sada and Dilip Choudhary fired at the deceased causing firearm injury and the witness did not reveal the name of any of the petitioners being present at the place of occurrence and also accepted the enmity between the



deceased and Bipin Yadav. It is further submitted that one independent witness namely, Milan Yadav, has also supported the statement of other witnesses and after investigation, co-accused Bipin Yadav was apprehended and from his possession carbine and five cartridges were recovered and he made his statement before the police revealing his role in the commission of the alleged offence.

4. It is further submitted that petitioners Ranjeet Yadav and Manilal Yadav have been languishing in jail since 20.12.2023 and charge sheet has been submitted against them.

5. Learned counsel appearing for the informant vehemently opposed the bail prayer of the petitioners and submitted that against the petitioner Roshan Kumar, specific allegation has been made in the FIR and he actively participated in the alleged occurrence of murder and the other petitioner was also present at the scene hence, they do not deserve to the privilege of bail. The learned APP has also opposed the prayer for bail of the petitioners.

6. Heard both the sides and perused the FIR and case diary. Though the petitioners are named in the FIR but the statement of one Bum Singh, who appears to be the main eye witness of the alleged occurrence does not reveal the role of the



petitioners in the alleged occurrence. In my opinion, it is a fit case for grant of regular bail to the petitioners, let the petitioners named-above, be released on bail in connection with Salkhua (Chiraiya O.P.) P.S. Case No.32 of 2021 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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