

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24876 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- SAHAR District- Bhojpur

VIMAL YADAV @ BIMAL YADAV @ BIMAL KUMAR YADAV S/O
LATE PRITHWANTHI YADAV @ LATE PRITHVI YADAV R/O
VILLAGE- GODIHA, P.S- SAHAR, DISTT.- BHOJPUR AT ARA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26031 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- SAHAR District- Bhojpur

1. Madan Yadav @ Madan Kumar Son of Bihari Yadav R/o Village- Godiha,
P.S.- Sahar, District- Bhojpur
2. Ravindra Kumar @ Rabindra Yadav Son of Bihari Yadav R/o Village-
Godiha, P.S.- Sahar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27192 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- SAHAR District- Bhojpur

Ashok Yadav Son of Bihari Yadav R/o Village- Godiha, P.S.- Sahar, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 24876 of 2024)

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

For the informant : Mr. Dharmesh Kumar Srivastava, Advocate

(In CRIMINAL MISCELLANEOUS No. 26031 of 2024)

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

For the Opposite Party/s : Mrs.Pushpa Sinha, APP



For the informant : Mr. Dharmesh Kumar Srivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 27192 of 2024)
For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP
For the informant : Mr. Dharmesh Kumar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2024 Heard Mr. Shashank Shekhar, learned counsel for the
petitioner (in Cr. Misc. No. 24876 of 2024), Mr. Prabhat Kumar
Singh, learned counsel for the petitioner (in Cr. Misc. No. 27192
of 2024 & Cr. Misc. No. 26031 of 2024), Mr. Dharmesh Kumar
Srivastava, learned counsel for the informant in all the cases as
also Mr. Jharkhandi Upadhyay, learned counsel for the State (in
Cr. Misc. No. 24876 of 2024) and Mrs. Pushpa Sinha, learned
APP (in Cr. Misc. No. 27192 of 2024 & Cr. Misc. No. 26031
of 2024).

2. The petitioners are apprehending arrest in
connection with Sahar P.S. Case No. 198 of 2023 instituted
under Sections 302 and 120(B) of the Indian Penal Code and
section 27 of the Arms Act lodged on 24.12.2023 by the
informant, Kanchan Devi.

3. As per the prosecution story, the informant alleged
that on the fateful day, she along with her husband had gone to
the house of Satyendera Sah when the accused persons armed
variously came and after abuse, the allegation is against Brajesh
Kumar and Ashok Yadav of having opened fire causing



immediate death of her husband. Accordingly, the FIR.

4. Learned counsels appearing in all the three cases submit that though their presence have been shown on the place of occurrence and allegation against them is of having variously armed, a perusal of the FIR would show that the allegation is against Ashok Yadav (Cr. Misc. No.27192 of 2024) and Brajesh Kumar of having opened fire which caused immediate death of the husband of the informant though they concedes that they have criminal antecedent, one of the case was instituted by the deceased himself and that promoted the lady naming them.

5. Learned counsel appearing on behalf of the informant submits that a perusal of the FIR would show that all the accused persons who are present there were part of the assault and though specific allegation is against Ashok Yadav and Brajesh Kumar, their presence with weapon is incorporated in the FIR.

6. Mr. Jharkhandi Upadhyay, learned APP submits that number of bullets have been found on the person of the deceased.

7. Having gone through the FIR and the submission put forward by the learned counsels for the petitioners, so far as the case of Ashok Yadav (in Cr. Misc. No. 27192 of 2024) is



concerned, in view of the direct allegation of opening fire alongwith Brajesh Kumar causing death of informant's husband have been attributed, his anticipatory bail stand rejected.

8. So far as other accused persons namely Vimal Yadav @ Bimal Yadav (in Cr. Misc. No. 24876 of 2024), Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav (in Cr. Misc. No. 26031 of 2024) are concerned, considering the fact that their presence have been shown at the place of occurrence as also opening fire have been attributed to them, this Court is inclined to extend them privilege of anticipatory bail.

9. Let the petitioner Vimal Yadav @ Bimal Yadav (in Cr. Misc. No. 24876 of 2024), the petitioners Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav (in Cr. Misc. No. 26031 of 2024) be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sahar P.S. Case No. 198 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other



conditions.

(i) one of the bailor should be the family member of the Vimal Yadav @ Bimal Yadav, Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav who shall provide official document to show his/her bona fide;

(ii) the petitioners Vimal Yadav @ Bimal Yadav, Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav 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 Vimal Yadav @ Bimal Yadav, Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners Vimal Yadav @ Bimal Yadav, Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners Vimal Yadav @ Bimal Yadav, Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav 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;

(vi) the petitioners Vimal Yadav @ Bimal Yadav, Madan Yadav @ Madan Kumar and Ravindra Kumar @ Rabindra Yadav 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.

(Rajiv Roy, J)

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