

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25612 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- RAJNAGAR District- Madhubani

Rahul Kumar, aged about 22 years, Male Son of Hukamdev Yadav @ Babuji Yadav, Resident of Village- Ranti Mohanpur, P.S.- Ranjnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagandeo Yadav, Advocate
		Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s :		Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Rajnagar P.S. Case No. 253 of 2023 instituted for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant and his nephew were at his shop. At that time, FIR named accused persons and 4-5 unknown persons, who used to commit crime, started creating noise. When objection was made by nephew of the informant, Sanjay Yadav ordered to shoot him. In the meanwhile, Shankar Yadav shot on his neck, as a result of which



he fell down and blood started oozing out. He has admitted at Sadar Hospital, Madhubani where doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. The allegation of firing is against the co-accused Uday Shankar Yadav. There is no direct involvement of the petitioner in the occurrence. No incriminating articles have been recovered from the conscious possession of the petitioner. Petitioner is in custody since 11.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Madhubani dated 20.02.2024, it appears that the allegation of firing is against co-accused Uday Shankar Yadav. There is no direct involvement of the petitioner in the alleged occurrence as well as no incriminating articles have been recovered from the conscious possession of the petitioner. From perusal of the records shows that the death has been caused due to haemorrhage and shock as a result of gun shot injury by the co-accused and no specific allegation against the petitioner in the alleged crime, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above



named be released on bail on furnishing bail bonds of Rs.
10,000/- (Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned A.C.J.M.-II, Madhubani in
connection with Rajnagar P.S. Case No. 253 of 2023.

(Ramesh Chand Malviya, J)

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