

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27151 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- LADANIA District- Madhubani

Dharmeshwar Yadav Son of Sri Bhuvneshwar Yadav Resident of Village-
Aurhi, P.S.- Babubarhi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2024 Heard Mr. Ajay Kumar Thakur, learned Counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP for
the State.

2. The petitioner is an accused in connection with
Ladaniya P.S. Case No. 31 of 2024 registered for the offences
under sections 302/34 of the Indian Penal Code and section 27
of the Arms Act lodged on 13.02.2024 by the informant, Kamini
Kumari.

3. As per the prosecution story, the informant alleged
that when her husband, a School teacher was returning home
after the school hours, the named accused as also some
unknown opened fire, causing injury on the head and who
instantly succumbed to the injuries. Upon knowledge, they
rushed to the place, the police also reached the place of
occurrence and the dead body was sent to Sadar Hospital,



Madhubani for postmortem. The locals informed that they had seen Vikash and Sonu armed with pistol. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the occurrence is of 12.02.2024 while the F.I.R. has been lodged subsequently, on 13.02.2024 and further he is not named in the F.I.R. Subsequently, during the investigation, after the spy informed that this petitioner was also one of the pillion rider with the Sonu Kumar (paragraph-52 of the case diary), one of the named accused, one more witness came up with the story that he was also present at the place of occurrence (paragraph-53 of the case diary). He submits that thereafter the petitioner was picked up and before the police, he was made to confess and even then as incorporated in paragraph-19 of the case diary, his statement is that he being the pillion rider had no knowledge of what is in the mind of accused persons and suddenly they opened fire. He as such, prays for allowing the bail petition.

5. Learned APP, Mr. Jitendra Kumar Singh had gone through the case diary which was called for by the co-ordinate bench and has submitted that the spy followed by the witness, named him as the pillion rider and upon having been picked up by the police, he also confessed.

6. The F.I.R. has been lodged against named accused,



previous enmity has been incorporated as the reason for the occurrence, the petitioner's name has come later on and the role assigned is that of pillion rider, has remained in custody since 22.02.2024 (as stated in paragraph-16 of the petition). In that background, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhubani in connection with Ladaniya P.S. Case No. 31 of 2024, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

