

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47592 of 2024

Arising Out of PS. Case No.-154 Year-2004 Thana- RAFIGANJ District- Aurangabad

Bidhayak Jee @ Bachan Jee @ Dowarika Yadav @ Dwarika Yadav Son of
Late Jaglal Yadav R/O Vill.- Koshdihara, P.S.- Salaiya, Dist.- Aurangabad,
Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 13-11-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with S.Tr.
No. 40 of 2024, arising out of Rafiganj P.S. Case No. 154 of
2004, instituted for the offences punishable under Sections 147,
148, 149, 341, 342, 302 of the Indian Penal Code and Section 27
of the Arms Act.

3. The prosecution case, in short, is that, co-accused
namely Doman Yadav and Rajdeo Yadav forcibly took
Rajkumar Paswan to cemetery and other co-accused persons
namely Mungeshwar Yadav and Dinesh Yadav instigated and
fired on Rajkumar Paswan due to which he died on the spot.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence on the alleged date and time. Widow of the deceased in her re-statement has mentioned the name of the petitioner among other co-accused persons after five years. It is further submitted that no specific allegation has been attributed against the petitioner. The allegations levelled against the petitioner is general and omnibus in nature. The petitioner is in custody since 29.08.2023 and has got three criminal antecedents in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with S.Tr. No. 40 of 2024, arising out of Rafiganj P.S. Case No. 154 of 2004, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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