

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44555 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- FALKA District- Katihar

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Jitendra Yadav @ Jitendra Kumar Yadav @ Jitendra Kumar Son of Sri
Rajendra Prasad Yadav @ Rajendra Yadav @ Raju Yadav R/O Vill.- Lila,
P.S.- Bhawanipur, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Mr. Amit Kumar Anand, Adv.
For the State	:	Mr.Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Rajesh Kumar Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 30-08-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary which was called for in Cr. Misc. No.

39378 of 2024.

2. The petitioner seeks bail in connection with Falka

P.S. Case No. 04 of 2024 instituted for the offences under

Sections 307, 302/34 of the Indian Penal Code and Section

27 of the Arms Act.

3. As per prosecution case, the husband of the

Informant and his shop's staff were shot dead by the

unknown miscreants. Both were sent to Falka PHC but, the



doctor declared Kachan Mandal dead whereas Mithu Kumar was referred to Purnea Max-7 Hospital for better treatment where he died in course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that neither the petitioner is named in the F.I.R. nor any witness has seen the petitioner committing the alleged crime and only on the basis of conjecture and surmises, the petitioner has been implicated in the present case. He further submits that the police took out the CDR as well as tower location of the suspected persons including the petitioner but, the location of the mobile number (7667473408) of the petitioner on 01.01.2024 and 02.01.2024 was found at his own village i.e. Mali Tola, Lila, Bhawanipur, Purnea. Thus, the petitioner does not have any hand in the alleged occurrence and has been falsely implicated in the present case. During entire investigation, no cogent legal material has been collected to connect the petitioner with the alleged occurrence. He



further submits that the authenticity of the CCTV footage has not been examined in any Forensic Lab. He further submits that there is no direct or indirect evidence against the petitioner to connect him with the alleged offence. Nothing has been recovered from his conscious possession or from his house which connects his involvement in the alleged occurrence. The petitioner has one criminal antecedent and is languishing in judicial custody since 14.01.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Anil Kumar Mandal has been granted bail by this Court vide order dated 26.07.2024 passed in Cr. Misc. No. 39508 of 2024.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that this is a double murder case. He submits that there is a direct allegation against the petitioner of shoot by fire arms at the deceased Kanchan Mandal which was also seen in the CCTV footage, produced by the Informant. The postmortem report of the



deceased Kanchan Mandal also supports the prosecution case. The allegation alleged against the petitioner is serious in nature and, thus, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also there being direct allegation against the petitioner of gun-shot firing, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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