

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43750 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- SAHEBPUR KAMAL District- Begusarai

Abhishek Kumar S/O Punit Yadav R/O Village Govindpur PS Sahebpur
Kamal Distt Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karuna Sahay, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Pranav Kumar, Advocate
	:	Ms. Shrishti Singh, Advocate
	:	Mr. Lokesh Vinayak Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-11-2024 Heard Mr. Yogesh Chandra Verma, learned Senior

Counsel for the petitioner and Mr. Pranav Kumar, representing

the informant.

2. The petitioner is in judicial custody in connection
with Sahebpur Kamal P.S. Case No. 40 of 2024 for the offences
punishable under Sections 302, 304(B), 498(A), 120(B) and 34
of the Indian Penal Code and section 3 and 4 of the Dowry
Prohibition Act as also section 27 of the Arms Act, lodged on
18.02.2024 by the informant, Rahul Kumar.

3. As per the prosecution story, the sister of the
informant was in relationship with Himanshu Kumar and had
married in a temple and thereafter, remained at the informant's



place. Later, the family started demanding dowry. In between, the marriage of the elder brother of Himanshu (Sudhanshu) was fixed and then the informant decided that the couple should move to the place.

4. Allegation is that as they reached there, it was not accepted by the accused side and **Sanjay Yadav**, father-in-law his sister, Nilu Kumari opened fire causing immediate death of his sister. Further, **Himanshu Kumar** and **Sudhanshu Kumar** opened fire causing death of his father, Umesh Yadav. The allegation goes further according to which, **Samrat Kumar** and **Jubesh Kumar** ensured the killing of his elder brother, Rajesh Kumar. The omnibus allegation is also there against Sarvesh Yadav, Abhishek Yadav (the petitioner herein), Gulshan Kumar, Poonam Yadav as also the other female family members of opening fire on the informant side/assaulting the body of his dead sister. Accordingly, the F.I.R.

5. Learned Senior Counsel for the petitioner submits that unfortunate killing is there, so far as this petitioner is concerned, no direct allegation has been made against him. Further, he is in no way even distantly related to the family and has nothing to do with either the relationship of the late sister of the informant and/or her entry in the in-law's house. If granted



relief, he shall be diligently appearing in trial without fail.

6. In this case, the case diary was called for by a coordinate Bench and Mr. Pranav Kumar representing the informant submits that beside the direct allegation against the aforesaid accused persons namely Sanjay Yadav, Himanshu, Sudhanshu, Samrat and Jubesh, the allegation of opening fire is also against these accused including the petitioner and the post mortem report certifies to it. He submits that the subsequent allegation that has come against the accused persons including the petitioner has to be taken into account and according to him, the trial has already commenced/witnesses being examined.

7. Having gone through the facts of the case as also the submissions put forward by the parties, specific allegation of opening fire causing instant death of three innocent persons is/are attributed to Sanjay Yadav who killed the informant's sister, Nilu Kumari, Himanshu Kumar and Sudhanshu Kumar who ensured that his father Umesh Yadav is killed. As per the allegation, Samrat Kumar and Jubesh Kumar opened fire causing death of his elder brother, Rajesh Kumar.

8. So far as this petitioner is concerned, omnibus allegation has been made along with other accused persons of opening fire. In view of the specific allegation that has come



against the named accused persons of killing three people whereafter the omnibus allegation has been made against the petitioner, he is not related with the family of the accused, is in custody since 19.02.2024 (paragraph no.14 of the petition) and as undertaken by learned Senior Counsel for the petitioner that he shall be diligently appearing in trial without fail and failure to do so, the informant/prosecution shall be free to take steps for cancellation of his bail bond, this Court is inclined to extend him the privilege of bail. It is further made clear that the petitioner shall in no way come in contact of any of family member of the informant/other prosecution witnesses till the conclusion of trial.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 40 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 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 every month for next one year to mark his attendance;

(iv) the petitioner shall in now 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;

(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 bail bonds.

10. Since, the matter relates to triple murder, the Trial Court shall ensure that the trial commenced/concludes without unnecessary adjournments.

(Rajiv Roy, J)

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