

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42248 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MANJHI District- Saran

Ajay Yadav @ Ajay Kumar Yadav Son of Late Mathura Yadav Village
Mubarakpur, Ps- Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46932 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MANJHI District- Saran

Deepak Yadav @ Deepak Kumar Yadav Son of Umesh Yadav Resident of
Village- Mubarakpur, (Korar), Ps- Manjhi, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59619 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MANJHI District- Saran

1. Vijay Yadav S/O Late Mathura Yadav R/O Village- Mubarakpur, P.S-
Manjhi, Distt.- Saran.
2. Jatul Yadav S/O Late Mathura Yadav R/O Village- Mubarakpur, P.S- Manjhi,
Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42248 of 2023)
For the Petitioner/s : Mr. Kanchan Kumar, Advocate
Mr. Gopesh Raj, Advocate
For the Opposite Party/s : Mr. Rana Vikram Singh, Advocate
For the State : Mr. Ram Bilash Roy Raman, APP
(In CRIMINAL MISCELLANEOUS No. 46932 of 2023)
For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP



(In CRIMINAL MISCELLANEOUS No. 59619 of 2023)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 10-05-2024

(In CR. MISC. No. 42248 of 2023)

1. Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 261 of 2023 arising out of Manjhi P.S. Case No. 38 of 2023 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 307, 302, 427, 435 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 16.02.2023.

4. The allegation against the petitioner is to commit murder of son and nephew of the informant alongwith other named or unknown co-accused persons by using *lathi, danda*, rod, etc., where occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of



the occurrence and he also failed to name this petitioner. It is submitted that one of the injured eye witness during the course of occurrence, namely, Alok Kumar Singh made variable statements, as his statement was recorded on two different occasions as available under Para No. 99 & 174 of the case diary. It is submitted that manner of occurrence and involvement of petitioner appearing different in both statements, where allegation *qua* physical assault appears against this petitioner is very much general and omnibus. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel, Mr. Rana Vikram Singh appearing on behalf of the informant while opposing the prayer of bail submitted that petitioner actively participated in occurrence as it is appearing from the statement of injured eye witnesses, namely, Alok Kumar Singh, which is available in paragraph no. 174 of the case



diary.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as injured eye witness failed to name this petitioner, while recording his statement at first instance, which is available in paragraph no. 99 of the case diary and the maximum allegation what appears against this petitioner is being a part of mob only without attributing any overt act towards causing death of son and nephew of the informant coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sessions Trial No. 261 of 2023 arising out of Manjhi P.S. Case No. 38 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, IV, Chapra/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(In CR. MISC. No. 46932 of 2023)



1. Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Manjhi P.S. Case No. 38 of 2023 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 307, 302, 427, 435 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 01.03.2023.

4. The allegation against the petitioner is to commit murder of son and nephew of the informant alongwith other named or unknown co-accused persons by using *lathi, danda, rod, etc.*, where occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and he also failed to name this petitioner. It is submitted that one of the injured eye witness during the course of occurrence, namely, Alok Kumar Singh made variable statements, as his statement was recorded on two



different occasions as available under Para No. 99 & 174 of the case diary. It is submitted that manner of occurrence and involvement of petitioner appearing different in both statements, where allegation *qua* physical assault appears against this petitioner is very much general and omnibus. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel, Mr. Rana Vikram Singh appearing on behalf of the informant while opposing the prayer of bail submitted that petitioner actively participated in occurrence as it is appearing from the statement of injured eye witnesses, namely, Alok Kumar Singh, which is available in paragraph no. 174 of the case diary.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as injured eye witness failed to name this petitioner, while recording his



statement at first instance, which is available in paragraph no. 99 of the case diary and the maximum allegation what appears against this petitioner is being a part of mob only without attributing any overt act towards causing death of son and nephew of the informant coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sessions Trial No. 261 of 2023 arising out of Manjhi P.S. Case No. 38 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, IV, Chapra, District-Saran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(In CR. MISC. No. 59619 of 2023)

1. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with



Sessions Trial No. 261 of 2023 arising out of Manjhi P.S. Case No. 38 of 2023 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 307, 302, 427, 435 of the Indian Penal Code.

3. Both accused/petitioners are named in the F.I.R., where petitioner no. 1 is in custody since 26.02.2023 and petitioner no. 2 is in custody since 12.02.2023.

4. The allegation against the petitioners is to commit murder of son and nephew of the informant alongwith other named or unknown co-accused persons by using *lathi, danda, rod, etc.*, where occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence and he also failed to name this petitioners. It is submitted that one of the injured eye witness during the course of occurrence, namely, Alok Kumar Singh made variable statements, as his statement was recorded on two different occasions as available under Para No. 99 & 174 of the case diary. It is submitted that manner of occurrence



and involvement of petitioners appearing different in both statements, where allegation *qua* physical assault appears against these petitioners is very much general and omnibus. While concluding the argument, it has been submitted that petitioner no. 1 is a man of criminal antecedent and petitioner no. 2 is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, while opposing the prayer of bail submitted that petitioner no. 1, namely, Vijay Yadav is a man of criminal antecedents.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as injured eye witness failed to name petitioners, while recording his statement at first instance, which is available in paragraph no. 99 of the case diary and the maximum allegation what appears against petitioners is being a part of mob only without attributing any overt act towards causing death of son and nephew of the informant coupled with the fact that



charge-sheet has already framed and not a single witness examined till now, accordingly, both above named petitioners are directed to be released on bail in connection with Sessions Trial No. 261 of 2023 arising out of Manjhi P.S. Case No. 38 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, IV, Chapra/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioners shall not involve in any criminal cases till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioners, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

8. Learned counsel appearing for the informant



submitted that it is a case of double murder therefore,
direction be given to learned trial court as to conclude the
trial within earliest possible time.

9. Taking note of the nature of crime in
question, learned trial court is directed to conclude the trial
expeditiously, in accordance with law.

(Chandra Shekhar Jha, J)

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