

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53712 of 2024**

Arising Out of PS. Case No.-322 Year-2023 Thana- PHULPARAS District- Madhubani

Ram Chandra Yadav @ Ramchandra Yadav, Son of Kamal Yadav, R/o  
Village- Navtol, PS- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Bharti, Adv.

Ms. Nitu Kumari, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      17-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Phulparas P.S. Case No. 322 of 2023 registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on 09.06.2023 at about 08:30 PM, while the informant was at his house, in the meantime, the villagers informed him that his brother, who was residing at Ram Janki Mandir, shot dead by some criminals. On getting such information, the informant and his family members rushed to the Ram Janki Mandir and saw the dead body of his brother. It is



further alleged that the petitioner was also found present there along with one Pramod Yadav having pistol in their hand, however, noticing the informant, they succeeded in fleeing away. It is also alleged that two other persons were also present with covered face along with the wife of Gulzar. The suspicion has been raised that Kapildev Das, who was released from the custody recently, having enmity with the brother of the informant eliminated him.

4. Learned counsel for the petitioner drawing the attention of this Court to the FIR, submitted that the entire prosecution story appears to be doubtful for the simple reason that the villagers, who disclosed the fact that his brother has been done to death, has never disclosed the name of any of the person and when the informant rushed to the place of occurrence, he surprisingly found that the petitioner and others were present with the firearm. It is further contended that even if the allegation taken to be true, it has not been disclosed as to whether it is the petitioner who have committed the crime. Save and except suspicion, there is no material suggesting complicity of the petitioner in the present crime. It is lastly contended that even during the course of investigation, no eyewitness to the occurrence has come forward to even suggest that the petitioner is the person, who caused the death of the deceased. Moreover,



the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that presence of the petitioner at the place of occurrence with the firearm clearly suggests his involvement in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that save and except suspicion, there is no material suggesting complicity of the petitioner, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 322 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

rohit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

