

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62337 of 2024

Arising Out of PS. Case No.-165 Year-2016 Thana- ALOULI District- Khagaria

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Roshan Yadav @ Roshan Raj @ Raushan Kumar @ Raushan Raj S/o
Ramanand Yadav R/o Village_Morkahi, P.S. Alauli, Distt. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with SC No.93(A) of 2017 arising out of Alauli P.S. Case No.165 of 2016 registered for the offences punishable under Sections 364, 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 04.09.2023. The petitioner has got one criminal antecedent in which he is on bail.

3. As per prosecution story, allegedly, the petitioner and other FIR named accused persons being armed with rifle, gun and pistol attacked at the house of the informant and abducted the husband of the informant, the informant and her father-in-law and Dewar went behind them requesting

Ramanand Yadav, leader of the gang, to free her husband, in front of Vijay Market the miscreants stopped the informant and others, Ramanand Yadav gave order to kill and then all the miscreants caught her husband and Dharamveer Yadav shot her husband in left temporal region causing his death and the miscreants after opening fire fled away towards south. The motive behind the occurrence is land dispute with Subodh Yadav the cousin son-in-law of Ramanand Yadav.

4. Learned counsel for the petitioner submits that it is a case of false implication of the petitioner and there is no specific allegation against the petitioner. Learned counsel submits that the petitioner is simply a member of mob and specific allegation of assault is against Dharamveer Yadav and Ramanand Yadav. It is submitted that the petitioner was not present at that time and he has unnecessarily been made accused in this case.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Having regard to the seriousness of the allegations, the gravity of the offences and the severity of the punishment attached to these offences as also the fact that this petitioner was earlier granted privilege of bail but he breached the terms and

conditions of bail as a result whereof his bail bond was cancelled on 06.03.2021 whereafter he remained absconding for more than two years and only after issuance of process under Sections 82 and 83 Cr.P.C., he could be again brought in this case on 04.09.2023 on the basis of a production warrant and it appears that while absconding, the petitioner got involved in Morkahi P.S. Case No.100 of 2023 under the provisions of the Arms Act, this Court is not inclined to grant privilege of bail to the petitioner. Prayer is refused.

7. This application is dismissed.

8. Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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