

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61606 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Pintu Bin @ Bisesar Kumar Son of Jay Ram Bin @ Jairam Bin Resident of
Village- Mirjapur, P.S. -Raghunathpur, Dist. -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 67527 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Muskan Chauhan Son of Vishwamitra Chauhan Village- Mirjapur, Ps-
Raghunathpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 79174 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Mulayam Yadav S/o Buttilal Yadav R/o Village- Mirjapur,P.S.- Raghunathpur,
Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 61606 of 2024)
For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 67527 of 2024)
For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP
(In CRIMINAL MISCELLANEOUS No. 79174 of 2024)
For the Petitioner/s : Mr. Rudra Deo, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

3 02-12-2024 Heard Mr. Rudra Deo, learned counsel for the petitioners and Mr. Rabindra Kumar (Cr. Misc. No. 61606 of 2024), Mr. Nirmal Kumar Sinha (Cr. Misc. No. 67527 of 2024), Md. Fahimuddin (Cr. Misc. No. 79174 of 2024), learned Additional Public Prosecutors for the State.

2. The petitioners are apprehending their arrest in connection with Raghunathpur P.S. Case No. 265 of 2023, F.I.R. dated 14.11.2023 for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have committed murder of son of the informant.

4. Learned counsel for the petitioners submits that petitioners, namely, Pintu Bin @ Bisesar Kumar, and Muskan Chauhan have clean antecedents and petitioner, namely, Mulayam Yadav carries three more cases other than the present one but he is on bail in all the pending matters and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and informant is not the eye witness of the alleged occurrence and even no one has seen the alleged occurrence. He further submits that as per the FIR the petitioners and other co-



accused persons took the son of the informant and thereafter the dead body of the son of the informant was found on the very next date. He further submits that except the suspicion no other cogent material has come during the investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that co-accused person, namely, Amit Yadav @ Amit Kumar Yadav has already been granted anticipatory bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 14744 of 2024 and co-accused person, namely, Pankaj Yadav @ Baba Yadav has also been granted anticipatory bail by this Court vide order dated 06.09.2024 passed in Cr. Misc. No. 56771 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Siwan in connection with Raghunathpur



P.S. Case No. 265 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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