

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70223 of 2024

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

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Dinesh Yadav S/o Puna Yadav R/o Village- Karra, P.S.- Laxmipur, District-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Singh, Advocate
		Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-11-2024 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Jhajha P.S. Case No. 18 of 2019, registered for the alleged offences under Sections 147, 148, 149, 302, 427 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of Explosive Substance Act.

3. As per prosecution case, the petitioner and other co-accused persons attacked the vehicle of the informant in which his brother-in-law and co-villager were traveling. Bombs were hurled and firing was made, killing two persons. The occurrence took place in the background of enmity of the petitioners and other co-accused persons and it was informant who was



supposed to travel in the vehicle and under mistaken identity, other persons were murdered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is evident from the F.I.R. that the informant is not an eye-witness. The F.I.R. has been registered on saying of driver of the vehicle who fled away from the spot and subsequently, narrated the incident to the informant and the said driver was also made accused in the present case. Learned Counsel further submits that there is general and omnibus allegation against altogether 15 persons including this petitioner. He further submits that the F.I.R. has been registered on saying of the driver, Mamta Yadav who has subsequently been made accused in this case and on his confessional statement, making the petitioner and others accused by such person's statement could not be relied. Even the apprehended persons whose confessional statement have been recorded have not named this petitioner. Thrust of main allegation is against Karu Yadav, Rahul Kumar Rawat and Ramkhelawan Yadav. Even from the call details report, only the presence of co-accused Karu Yadav, Rahul Kumar Rawat, Ramkhelawan Yadav and Rajesh Yadav came to the knowledge of investigating agencies. Co-accused, Dharma



Paswan has been granted bail vide order dated 29.08.2019 in Cr. Misc. No. 43176 of 2019, Karu Yadav has been granted bail vide order dated 05.07.2022 in Cr. Misc. No. 78020 of 2019 and Prem Yadav has been granted bail vide order dated 21.02.2023 in Cr. Misc. No. 62020 of 2022. The petitioner is in custody since 07.02.2024 and charge-sheet has been submitted.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner and submits that the specific allegation is against the petitioner along with other co-accused who hurled bombs and opened fire, killing two persons. Learned APP further submits that the bail petition of Rahul Kumar Rawat was refused by this Court vide order dated 28.09.2022 in Cr. Misc. No. 79953 of 2019. Learned Counsel further submits that bail petition of Suresh Yadav was rejected vide order dated 04.12.2019 passed in Cr. Misc. No. 47703 of 2019, Surendra Paswan was rejected vide order dated 11.06.2020 passed in Cr. Misc. No. 4119 of 2020 and co-accused Mamta Yadav was refused bail vide order dated 15.12.2020 passed in Cr. Misc. No. 60007 of 2019 though he was subsequently granted bail. Learned APP further submits that the persons who have been granted bail have suffered sufficient incarceration.

6. Having regard to the serious nature of allegation



which is related to the murder of two persons, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is rejected.

(Arun Kumar Jha, J)

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