

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77542 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- BATH District- Bhagalpur

Rabhu Yadav Son of Ashok Yadav R/o Village- Navtolia Mirhatti, P.S-
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bath
P.S. Case No. 57 of 2024 dated 16.04.2024 instituted for the
offence punishable under Section 302, 307, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, the informant along with Mukesh
Kumar Singh and Karelal @ Sachidanand Singh went to the
field. On reaching there, they saw that the petitioner along with
other accused persons was filling wheat straw in the jute bag
which was lying in the field of Mukesh Kumar Singh. On
protest, some altercation took place between the parties. In the
meantime, co-accused, namely, Mithun Kumar came there and



he along with co-accused Pawan Yadav and petitioner started firing, due to which Mukesh Kumar and Karelal sustained fire arm injury. Consequently, Mukesh Kumar died at the spot due to fire arm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the FIR has been lodged against the petitioner, his father, mother and brother and one Mithun Yadav. The allegation against the petitioner is general and omnibus. It is further submitted that from perusal of the FIR, it would appear that specific allegation of firing is against the petitioner and two other accused persons, on the person of Mukesh Kumar Singh and Karelal, as a result of which, they sustained injury. Later on, Mukesh Kumar Singh died at the spot. It is further submitted that the inquest report as well as postmortem report reveal that there is one gun shot injury on the person of the deceased. It is next submitted that injury report of Karo Mandal shows laceration in left shoulder region size of 4 cm long, width 2cm (approx). Entry wound is present. No exit wound and the nature of this injury is stated to be simple. The reason behind the false implication of the petitioner is that the land of the petitioner is adjacent to the land of the informant and there is a



land dispute between them, due to which the name of the petitioner has been dragged in this case. It is next highlighted that mother and father of the petitioner have already been granted anticipatory bail by this Court vide orders dated 21-08-2024 and 13-09-2024 passed in Cr. Misc. Nos. 50971 of 2024 and 66365 of 2024 respectively (Annexure P/2 series). The petitioner is in custody since 19-04-2024 having no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J.M. 1st Class, Bhagalpur, in Bath P.S. Case No. 57 of 2024.

7. The application stands allowed.

(Khatim Reza, J)

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