

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76242 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- KALUAHI District- Madhubani

Chhotu Kumar Yadav Son of Dineshwar Yadav Resident of village-
Kewalpatti , P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 77148 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- KALUAHI District- Madhubani

Suresh Safi Son of Ganesh Safi Resident of Village - Kewalpatti, P.S. -
Rajnagar, District - Madhubani

.. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 76242 of 2024)

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

: Mr. Ravi Prakash, Advocate

For the State : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 77148 of 2024)

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-10-2024 Heard Mr. Gagan Deo Yadav in Cr. Misc. No. 76242

of 2024 (Chhotu Kumar Yadv) and Mr. Jitendra Kumar Bharti in

Cr. Misc. No. 77148 of 2024 (Suresh Safi) learned counsel for

the petitioner.

2. The petitioners are in judicial custody in connection

with Kaluahi P.S. Case No. 101 of 2024 for the offences

punishable under Sections 224, 341, 326, 332, 333, 353, 307



and 34 of the Indian Penal Code and sections 25(1-B)(a), 25(5), 26, 27 and 35 of the Arms Act, lodged on 08.06.2024 by the informant, Rahul Kumar.

3. As per the prosecution story, the informant alleged that he got the information that the accused persons have assembled to commit crime. They also got information that it includes Amar Kumar Yadav who few days ago was involved in a loot case. Accordingly, it moved to the place where they found the accused assembled and tried to escape and further when the police was able to intercept they resorted to firing. Counter firing also took place in which both the police as also the accused got injuries. As the villagers started assembling, leaving their motorcycle behind, they managed to escape, this led to the F.I.R.

4. Subsequent investigation brought the case to the doors of these petitioners beside Amar Kumar Yadav.

5. It is the case of the petitioners that they have been falsely implicated in the case, they were not present at the spot, nothing have been recovered from their conscious possession.

6. Learned APPs in both the cases vehemently oppose the prayer submitting that not only they have criminal antecedents, when the police intercepted, they resorted to firing



causing injuries to police personnel.

7. Considering the aforesaid submissions as also the fact that both have criminal antecedents and they chose to challenge the authority of the State by opening fire when intercepted, this Court is not inclined to extend the privilege of bail to both the petitioners.

8. Accordingly, the bail application stands rejected.

(Rajiv Roy, J)

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