

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79335 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SHANKARPUR District- Madhepura

SANJAY YADAV S/O SAROBAR YADAV VILLAGE- MACHAHA, PS.
SHANKARPUR, DIST.MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81309 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SHANKARPUR District- Madhepura

1. UPENDRA YADAV Son of Late Baris Lal Yadav Resident of village - Machhaha Ward No.- 2, P.S.- Shankarpur, District - Madhepura.
2. Bhola Yadav Son of Late Bhumi Yadav Resident of village - Machhaha Ward No.- 2, P.S.- Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79335 of 2023)

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
Ms. Kumari Rashmi, Advocate

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

For the Informant : Mr. Surya Narayan Yadav, Advocate

(In CRIMINAL MISCELLANEOUS No. 81309 of 2023)

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

For the Informant : Mr. Surya Narayan Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Shankarpur P.S. Case no. 88 of 2023, registered under sections 302, 307, 341, 387 and



34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that the 15 named accused persons including the three petitioners herein were regularly threatening the members of the informant's family of facing dire consequences in case *rangadari* of Rs. 5 lakhs was not paid. It is stated that on 27.5.2023 while her husband and his elder brother were on way to the bank, all the accused persons variously armed started to fire indiscriminately as a result of which her husband died.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. The allegations are general and omnibus in nature. The informant is not an eye witness to the occurrence. The brother of the husband of the informant who was injured, namely Raj Kishore Mandal, in his statement recorded in paragraph no.61 of the case diary has described the occurrence but none of the three petitioners herein have been described as having resorted to any firing. The petitioners are in custody since 7.8.2023, 31.5.2023 and 31.5.2023 respectively. Charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned



counsel for the informant submits that not only the petitioners are named in the FIR but they have actively participated in the occurrence with Bhola Yadav having instigated the other accused persons to fire and kill the husband of the informant and his brother.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the contents of the statement of the injured recorded under section 161 Cr.P.C wherein he does not allege any specific overt-act against any of these three petitioners together with the petitioners having remained in custody since 7.8.2023, 31.5.2023 and 31.5.2023 respectively and charge-sheet having been submitted in the case, all the three petitioners are directed to be enlarged on bail in connection with Shankarpur P.S. Case no. 88 of 2023, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Madhepura.

(Partha Sarthy, J)

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