

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80902 of 2023

Arising Out of PS. Case No.-35 Year-2021 Thana- BELDOUR District- Khagaria

Ramkrishna Yadav @ Ramu Yadav @Ramo Yadav Son Of Mafatlal Yadav
Resident Of Village -Shakrohar, Ps- Beldour, Distt- Khagadia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajnish Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Khurshid Anwar, APP
For the Informant	:	Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-10-2024 Heard learned counsel for the petitioner, the informant
and the State.

2. Petitioner in the present case is seeking regular bail in connection with Beldaur P.S. Case No.35 of 2021 registered for the offences punishable under Sections 147, 148, 149, 448, 323, 326, 307, 302, 379 and 506 of the Indian Penal Code and Section 27 of the Arms Act. He has got eight criminal antecedents as stated in paragraph ‘3’ of the application. He is in custody since 31.08.2022.

3. As per prosecution story, on 18.02.2021 at about 1:00 P.M., 8 accused persons along with 5- 6 unknown accused persons armed with deadly weapons came at the house of the informant and threatened the informant to withdraw the case.



The informant and his family members hide themselves in a room. Ramkrishna Yadav (the petitioner), Balkrishna Yadav and Dharo Yadav fired with country-made pistol which hit the abdomen of the informant's mother. When informant's uncle came to rescue her, the accused persons fired upon him also as a result of which he sustained injury in his leg. Accused persons assaulted informant's mother with rod due to which her leg got injured. Further, accused persons assaulted family members of the informant with lathi/danda. It is alleged that mother of the informant died in course of treatment. Earlier accused persons had committed murder of informant's nephew and to threaten the informant to withdraw that case, accused persons has committed this occurrence.

4. Learned counsel for the petitioner submits that, as per the FIR, the allegation of firing is against three accused persons including this petitioner but the postmortem report would show that there was only one fire-arm injury on the body of the deceased. Learned counsel submits that even though the petitioner was an accused in the murder case of the son of the deceased in this case, the deceased was not a witness in the said case, therefore, there was no reason for the petitioner to indulge in killing of the deceased.



5. It is submitted that the petitioner is in custody for over two years, therefore, he would deserve privilege of regular bail.

6. On the other hand, learned counsel for the informant and the State submit that this petitioner has got huge criminal antecedents. Earlier he indulged in killing of the son of the deceased for which Alamanagar P.S. Case No.240 of 2020 dated 30.11.2020 was registered. It is submitted that while filing the present petition, the petitioner has disclosed in paragraph '3' about the said case and has shown the same pending. It is evident that in connection with the said case, he had not surrendered himself and got indulged in the present occurrence in which the mother of the deceased of the first case has been killed.

7. It is further submitted that his prayer for regular bail has been rejected in the said case in Cr.Misc.No.45787 of 2023. So far as the present case is concerned, since he was absconding, his records were separated from the records of Krishna Kumar Yadav @ Krishna Kumar and Kamal Kishore Malakar who are the other petitioners before this Court in Cr.Misc.No.11532 of 2023 and Cr.Misc.No.33159 of 2023 respectively. In their case, out of six prosecution witnesses, five



have already been examined in course of trial and the report of the learned trial court disclosed that the trial as against them is on the verge of closure. The trial against this petitioner has been delayed only because he did not submit himself to the jurisdiction of the court for a long time.

8. Having regard to the submissions noted hereinabove and the materials on the record, there being allegation against the petitioner that he had also fired upon the informant's mother and further he was also an accused in the earlier case which the accused persons were allegedly trying to get withdrawan from the informant of the said case, the conduct of the petitioner and his criminal antecedents are such that this Court is not inclined to grant privilege of regular bail to the petitioner at this stage. Prayer is refused.

9. Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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