

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9559 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- Patarghat District- Saharsa

Ram Kumar Yadav Son of Khushilal Yadav Resident of village - Uthi
Navtoliya, Ward No.- 15, P.S.- Saurbazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prabhat, Adv.
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, App
For the Informant	:	Mrs. Rashmi Jha, Adv.
	:	Mr. Hemant Ray, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-04-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Patarghat Police Station Case No. 156 of 2024, dated 02.08.2024, disclosing offences under Section 126(2), 115, 103(1), 61, 354, 351(2), 3(5) of the BNS, 2023 and Sections 25(1-B)A, 26, 27 of the Arms Act.

3. As per the First Information Report, on 01.08.2024 in the evening at about 7 pm, one co-accused Rakesh Yadav came at the house of the informant, took her husband along with him. The informant overheard co-accused Ashok Yadav saying on phone that her husband was required to be killed today and was accompanying with Rakesh Yadav. Upon hearing the conversation, the informant ran for search of her husband and at the distance of about 500 meters from her house, she saw that 7 accused persons armed with pistols along with another group of 15 accused persons armed with lathi assaulting her husband with



an intent to kill. The persons having pistols in their hands were firing upon her husband one by one. In the result, the informant's husband died.

4. Learned counsel for the petitioner submits that altogether 24 persons have been named in the First Information Report and the allegation against them is of assaulting and firing upon the informant's husband. The informant's husband was a person of criminal background having 4 cases registered against him and there is a possibility that some unknown persons might have committed the crime and the petitioner along with others have wrongly been implicated in this case. The co-accused Ashok Yadav was having inimical terms with the deceased inasmuch as the daughter of Ashok Yadav was kidnapped by the deceased and other co-accused persons for which Patarghat P.S. Case No. 10 of 2024 was lodged against the deceased registered under Sections 366A, 363 of the IPC and Section 12 of the POCSO Act in which charge sheet has also been submitted under Section 376 of the IPC. The Ashok Yadav was having grudge against the deceased and the witnesses during course of investigation have said that Ashok Yadav was firing upon the deceased. He next submits that in her restatement, the informant has disclosed the entirely different story and has said that on hearing the gunshot, she went at the place of occurrence, whereas, in the First Information



Report, she is claiming to be an eyewitness.

5. On the other hand, learned counsel for the informant and the state opposes the prayer for bail and submits that the petitioner is specifically named in the FIR holding gun in his hand along with other 6 accused persons. As per the FIR, the informant is an eyewitness and she has stated that all 7 accused persons holding gun in their hands were firing upon the deceased one by one. The dead body of the deceased was having 6 gunshot injuries.

6. Regards being had to the submissions made by the parties and taking into consideration the nature of allegation and the severity of punishment, I am not inclined to grant regular bail to the petitioner at this stage.

7. This application is, accordingly, rejected.

8. However, the petitioner may renew his prayer for bail after a period of six months if the trial does not show much progress.

(Anil Kumar Sinha, J)

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