

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19152 of 2025

Arising Out of PS. Case No.-18 Year-2019 Thana- JHAJHA District- Jamui

=====

Dinesh Yadav, S/O Puna Yadav, R/O Village- Karra, P.S- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey, Advocate
		Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s :		Mr.Narsingh Tanti, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 25-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 442/2024, arising out of Jhajha P.S. Case No. 18 of 2019, registered for the alleged offences under Sections 147, 148, 149, 302, 427, 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosive Substance Act.

3. As per prosecution case, the petitioner and other co-accused persons attacked the vehicle of the informant in which his brother-in-law and co-villager were traveling. Bombs were hurled and firing was made, killing two persons. The occurrence took place in the background of enmity of the petitioner and



other co-accused persons and it was informant who was supposed to travel in the vehicle and under mistaken identity, other persons were murdered.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected by this Court vide order dated 29.11.2024 passed in Cr. Misc. No. 70223 of 2024. The learned counsel further submits that the petitioner is in custody since 07.02.2024 and till date, out of 15 witnesses, only three witnesses have been examined, though it has been wrongly submitted on the last date that four witnesses have been examined in this case. Out of three witnesses, two witnesses are said to be eye witnesses, but they did not name this petitioner for being present at the place of occurrence or to be a participant in the murder of aforementioned two persons. Rather the witnesses have deposed that the petitioner was not present at the place of occurrence at the time of occurrence. The learned counsel further submits that the eye witnesses have though named other co-accused persons for being involved in the double murder and three such co-accused, namely Karu Yadav, Prem Yadav and Rahul Kumar Rawat, have been granted bail by different Coordinate Benches of this Court vide orders dated



05.07.2022, 21.02.2023 & 22.08.2024 passed in Cr. Misc. No. 78020 of 2019, Cr. Misc. No. 62022 of 2022 & Cr. Appeal (DB) No.301 of 2024. The case of the petitioner is on much better footing. The learned counsel further submits that from the FIR, it is apparent that the FIR was registered by the informant at the instance of Mamta Yadav, driver of the vehicle, which was attacked, who has subsequently also been made accused in this case. The learned counsel further submits that the thrust of main allegation is against co-accused Karu Yadav, Rahul Kumar Rawat and Ramkhelawan Yadav and even from the call details report, presence of only these persons came to the knowledge of the investigating agency. Thus, learned counsel submits that after examination of eye witnesses and as there is no other eye witness remain to be examined in this case, in the changed circumstances, prayer for bail of the petitioner may be considered.

5. The learned APP for the State vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that it is a case of double murder and a number of witnesses are yet to be examined and the petitioner does not deserve bail at this stage.

6. From perusal of the copy of depositions received



from the learned trial court, it appears that the informant, who is P.W. 2 and one of the claimed eye witnesses and P.W.3, Kuldeep Yadav, another eye witness, did not name this petitioner before the learned trial court for being involved in the occurrence and considering the submission that there are no other eye witnesses left to be examined, though a number of witnesses are yet to be examined and also grant of bail to other similarly placed co-accused persons, the prayer of the petitioner for grant of bail is allowed.

7. Accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Jamui/court concerned, in connection with Jhajha P.S. Case No. 18 of 2019, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

