

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73513 of 2024

Arising Out of PS. Case No.-416 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

Sunil Yadav @ Surendra Yadav S/o- Ram Kishun Yadav Village- Jhajha Ps-
Kusheshwar Sthan Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 12-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kusheshwar Sthan P.S. Case No. 416 of 2022, lodged on
08.12.2022 under Sections 302, 385/34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 14 named accused persons and 4-5 unknown. It
is alleged in the F.I.R. that all the accused persons came and
opened indiscriminate fire on the informant and her husband.
Thereafter, the husband of the informant hid in the house of one
Ganesh Yadav, but the accused persons followed him there,
dragged him out, and killed him by firing gunshot.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that there is nothing specific against any of the accused persons. Although the petitioner's antecedents are not entirely clean, as he is accused in one other criminal case. It was previously directed to file a supplementary affidavit showing the genealogy of the accused persons in this case, which has been filed. The affidavit reveals that both parties are agnates. Learned counsel further submits that charges have already been framed in this case. He also submits that the petitioner has brought on record the deposition of PW-4 (Annexure-3) by way of a supplementary affidavit. In the said deposition, PW-4 has specifically deposed that co-accused Sambhu Yadav, Manoj Paswan, Sadhu Yadav, Vijay Yadav, Shankar Yadav, and Raushan Yadav killed her husband by firing a gunshot. However, PW-4 has not made any specific allegations against the other accused persons, including the present petitioner. The petitioner is in custody since 09.06.2024.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner's antecedents are not clean, as he is accused in another criminal case involving the killing of other person, which led to the lodging of



Kusheshwarsthan P.S. Case No. 132 of 2022 under Sections 302, 385/34 of the Indian Penal Code and Section 27 of the Arms Act. Moreover, the present case has also been lodged under Section 302 of the Indian Penal Code, along with other sections of the I.P.C.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Kusheshwar Sthan P.S. Case No. 416 of 2022, pending before the Judicial Magistrate, 1st Class, Biraul (Darbhanga) is hereby rejected.

8. However, the trial Court is directed to expedite the trial.

(Dr. Anshuman, J)

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