

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87559 of 2024

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

1. Shravan Yadav @ Shravan Kumar Yadav S/o Chandeshwari Yadav R/o vill - Uti Tola Navtoliya, P.S. - Patarghat, Distt.- Saharsa
2. Dilkhush Kumar @ Dilkhush Yadav S/o Gopal Yadav R/o vill - Uti Tola Navtoliya, P.S. - Patarghat, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 04-04-2025 Heard the learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Patarghat P.S Case No.156 of 2024 registered for offences under Sections 126(2), 115, 103(1), 61, 354, 351(2), 3(5) of the B.N.S. and Sections 25(1-B)A, 26 and 27 of the Arms Act.

3. A perusal of the First Information Report would disclose that on 01.08.2024, one Rakesh Yadav had called the husband of the informant, Madan Yadav from his house and subsequently, one Ashok Yadav was overheard talking over phone that Madan Yadav, who had gone along with Rakesh Yadav, had to be shot dead. After hearing this, the informant ran to look for her husband and after going at some distance, she



saw that 7 accused persons, not being this petitioner, were armed with pistols and remaining accused persons, 8-22, were all carrying sticks and lathis in their hands and they were beating her husband with the intention to kill him.

4. Learned counsel for the petitioner submits that a bare perusal of the First Information Report would go to show that as many as 24 persons have been named in the F.I.R. and the specific allegation of opening fire, is on the first 7 accused persons named in the F.I.R. So far as the petitioners are concerned, their name figures at Serial Nos.13 and 14 and the allegation upon them is of assault by lathi and danda. It has further been submitted that it would appear from paragraph 148 of the case diary, which contains the postmortem report, that as many as 7 injuries have been noted on the body of the deceased. However, it has also been opined by the Doctor conducting the postmortem report that the cause of death is injury to vital organs, leading to hemorrhage and shock, as a result of firearm. A perusal of the postmortem report would show that there is no injury corresponding to the allegations made upon the petitioners.

5. The application for bail is opposed by learned APP for the State as also by learned counsel for the informant stating



that there is an allegation of assault upon the petitioners with lathi and that the petitioner No.1 also has one criminal antecedent.

6. Considering the fact that the allegations attributed to the petitioners have no corresponding injury on the person of the deceased and that the specific allegation of firing is upon 7 accused persons, as a result of which the deceased had died and also the fact the petitioners are in custody since 06.09.2024, the petitioners are enlarged 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 Chief Judicial Magistrate, Saharsa, in connection with Patarghat P.S Case No.156 of 2024, subject to the following conditions:

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail.

(Soni Shrivastava, J)

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