

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.87279 of 2024**

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

Jai Krishna Yadav @ Jaykrishna Prasad Yadav Son of Kameshwari Yadav  
Resident of Village - Gadh Amrita, Ward No. - 02, P.S. - Sonwarsha Raj,  
District - Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vikas Kumar Jha

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

4      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, discloses  
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. So far as this petitioner is concerned, his name appears to have been inserted at the very fag end of the F.I.R. stating that, Jai Krishna Yadav is the mastermind of the whole occurrence.

4. Learned counsel for the petitioner submits that it would be apparent from a bare perusal of the First Information Report that there is no allegation against the petitioner, rather the allegation of opening fire is against the first 7 accused persons of the F.I.R. and there is further allegation upon the remaining accused persons of having assaulted with sticks and lathis. Learned counsel for the petitioner has also submitted that the role attributed to the petitioner would only go up to a case of conspiracy and no specific allegation can be attributed to the petitioner in the facts and circumstances of the case. He also submits that there is no motive or intention to kill the deceased as there was no enmity with him. The attention of this Court has



also been drawn to the statements made in paragraph 12 and 13 that there was a dispute within the family of the deceased with regard to land and the same could have been the reason for the death of the deceased.

5. Learned APP for the State and the learned counsel for the informant, however, submits that the petitioner is the mastermind of the case and there are three cases already registered against him, to which the learned counsel for the petitioner responds that the petitioner is on bail in all the aforementioned cases and the allegations do not make out any case of assault upon the petitioner and is rather confined to conspiracy.

6. Considering the period of custody and that charges have already been framed, the petitioner is 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)

sharun/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

