

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7897 of 2019

Arising Out of PS. Case No.-31 Year-2001 Thana- VIJAYEPUR District- Gopalganj

SADANAND YADAV, son of Chandrika Yadav Resident of Village-Sabeya,
P.S.- Vijaipur, District -Gopalganj. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 26-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with S.Tr. Case No. 253 of 2018 arising out of Vajaipur P.S.
Case No. 31 of 2001 registered for the offence punishable under
Section 147, 148, 149, 307, 302 of the Indian Penal Code and
Section 27 of Arms Act.

Petitioner had earlier moved this Court for regular
bail vide Criminal Miscellaneous No. 43379 of 2018 which was
dismissed on 24.09.2018.

Allegation against petitioner is of firing upon uncle of
informant in the stomach, as a result of which he died during
course of treatment. There are 31 persons made accused in FIR.

It has been submitted on behalf of the petitioner that
petitioner is innocent and has been falsely implicated in this
case due to village rivalry. It has been further submitted that



charge sheet has been submitted by the police against petitioner after lapse of more than 16 years in February 2018 without any explanation. Earlier charge sheet was submitted against eight accused who have been acquitted by court. Witnesses examined have not supported case of prosecution. Petitioner has no criminal antecedent and he is in custody since 19.04.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge 5th, Gopalganj, in connection with S.Tr. Case No. 253 of 2018 arising out of Vajaipur P.S. Case No. 31 of 2001 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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