

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22436 of 2019

Arising Out of PS. Case No.-146 Year-2016 Thana- SONO District- Jamui

SANJAY YADAV Son of Yamuna Yadav, Resident of Village-Bhelwa
Mohanpur, Police Station-Sono, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Prasad Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.09.2018 in connection with Sono P.S. Case No. 146 of 2016
for offences punishable under Section 302 and other allied
Sections of the Indian Penal Code, Section 27 of the Arms Act
and Sections 16, 17, 18, 19, 20, 21, 22 of the U.A.P. Act.

The prosecution case, as lodged by the informant, is
that 20-25 persons variously armed with weapons came to his
house, started searching his sons Karu Yadav and Heman Yadav
and brought them out. On the order of the petitioner co-accused
Birendra Yadav fired on the temporal region of the son of the
informant Heman Yadav and thereafter co-accused Jeetlal Yadav
fired 2-3 rounds on the head and back of Heman Yadav,



resultantly he succumbed to the injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, no allegation of firing has been made against the petitioner and some of the co-accused named in the F.I.R. have been granted the privilege of bail by this Court and coordinate Benches of this Court in Cr. Misc. No. 25163 of 2017 vide order dated 03.07.2017, Cr. Misc. No. 35596 of 2017 vide order dated 09.08.2017, Cr. Misc. No. 36413 of 2017 vide order dated 21.08.2017 and Cr. Misc. No. 42308 of 2017 vide order dated 19.09.2017. He submits that the main allegation is upon co-accused Birendra Yadav and Jeetlal Yadav and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a maobadi and does not bear a clean antecedent as one more case is pending against him.

Considering the nature of allegations, period of custody, charge-sheet has already been submitted and some of the co-accused have been granted the privilege of bail, let petitioner, above named, be 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 Addl. Chief Judicial Magistrate-I, Jamui, in connection with Sono P.S. Case No. 146 of 2016, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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