

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47946 of 2019

Arising Out of PS. Case No.-982 Year-2018 Thana- MADHEPURA District- Madhepura

Sanjay Yadav @ Sanjay Kumar Bharti @ Sanjay Kumar, Son of Jaleshwar Yadav Resident of Village - Sonbarsa, P.S.- Shankarpur, District- Madhepura, At present at Village - Madhepura, Ward No. 2, P.S. and District- Madhepura.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 16-11-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhepura P.S. Case no. 982 of 2018, registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that in the evening of 21.11.2018, Kailash Yadav, father-in-law of the informant Gayatri Devi returned to house and after cleaning his hands and legs went at the Machan situated in front of the house, while informant and her mother in law were talking in a room, in the meanwhile, she heard the sound of firing then came out from the house and went at Machan then she found her father in law pool of blood, then she called her cousin father-in-law



Sakaldeo Yadav and informed regarding the occurrence then Sakaldeo Yadav came and informed that her father-in-law Kailash Yadav has died sustaining firearm injury.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that on the basis of Gayatri Devi Madhepura P.S. Case No. 982 of 2018 was instituted on 21.11.2018 under Section 302/34 of Indian Penal Code and Section 27 of the Arms Act against unknown regarding murder of Kailash Yadav. In course of investigation Sakaldeo Yadav, cousin father in law and one Maniklal Yadav in paragraph 21 and 22 of the case diary raised suspicion regarding hand of the Sanjay Yadav (petitioner) along with Ravindra Yadav, Chandan Yadav, Pramod Yadav, Amrendra Yadav in the murder of Kailash Yadav. Further submission is that, in fact, petitioner lodged Madhepura P.S. Case No. 169 of 2016 against the deceased Kailash Yadav regarding the murder of his father and Sakaldeo Yadav, cousin father in law of the informant used to give pressure to compromise the case, but petitioner was not ready due to that reasons, taking advantage of murder of Kailash Yadav, the petitioner and others have falsely been implicated in this case. Further submission is that Chandan Kumar Yadav has already granted privilege of pre-arrest bail on



11.07.2019 vide Criminal Miscellaneous No. 41898 by a co-ordinate Bench of this Court. Sri Uday Chand Prasad, Advocate, appearing on behalf of the petitioner submits that while petitioner is accused in two other cases, but he is on bail in that cases.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 982 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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