

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73712 of 2018

Arising Out of PS. Case No.-2 Year-2018 Thana- NAWANAGAR District- Buxar

SANJAY KUMAR YADAV @ SANJAY YADAV S/o Bikram Singh @
Bikram Yadav, Resident of Village- Bimva Haridiya @ Bimawan, P.S.
Jagdishpur, District-Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
24.09.2018 in a case registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan
of Shashi Kant Kumar Singh, recorded by S.I., C. Pandey,
Nawanagar Police Station on 14.01.2018 at 02.15 P.M., is to
the effect that the father of the informant was running a brick
kiln with partnership of the co-accused Saral Yadav @ Dinesh
Kumar Singh. It is alleged that the said Saral Yadav owned
Rs.7,00,000/- from the informant, but he was not willing to
return the same. On 13.01.2018 at 7.00 P.M., co-accused Saral



Yadav along with another co-accused assaulted the father of the informant at the brick kiln by a piece of brick causing injury on his face, as a result, the father of the informant succumbed to the injuries. Though the petitioner is not named in the FIR, but his name sprang up during investigation from the mobile call details suggesting that the petitioner was in constant contact with the FIR named accused persons at the time of commission of the alleged offence.

It is submitted by learned counsel for the petitioner that admittedly, neither the informant is an eye witness to the occurrence, nor has any eye witness come forward during investigation to support the accusation levelled in the FIR. It is further submitted that the FIR named co-accused person Saral Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.06.2018 passed in Criminal Miscellaneous No. 25232 of 2018, whereas, other similarly situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 21.05.2018 passed in Criminal Miscellaneous No. 19251 of 2018 and vide order dated 20.12.2018 passed in Criminal Miscellaneous No. 71857 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not



having any criminal antecedent.

Learned APP for the State after going through the case diary submits that complicity of the petitioner has sprang up during investigation as he was in constant contact through mobile phone with the FIR named accused persons at the time of occurrence.

Considering the suspicious circumstantial nature of accusation and the FIR named accused persons having been granted bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 CJM, Buxar in connection with Nawanagar P.S. Case No. 02 of 2018.

(Dinesh Kumar Singh, J)

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