

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22783 of 2020

Arising Out of PS. Case No.-100 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

SONU YADAV Son of Bauku Yadav @ Umesh Yadav Resident of Village-
Fatehpur, P.S.-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

3 04-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 302/379/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The informant has alleged that his brother Pankaj Yadav
had gone to the house of his fuffa (uncle) situated in village
Fatehpur on the eve of Holi festival. His brother was having
Rs.20,000/- with him. Sarpanch Bihari Yadav, resident of
Fatehpur village, demanded money from his brother. When his
brother refused to give money to him, Bihari Yadav and his two
brothers, namely, Sadanand Yadav and Sonu Yadav (petitioner)



demanded money and even then his brother refused to hand over money, Bihari Yadav and his two brothers Sadanand Yadav and Sonu Yadav (petitioner) caught Pankaj Yadav and thereafter Bihari Yadav fired on the back side of the neck of his brother, as a result of which, his brother fell down on the ground and died.

Learned counsel for the petitioner submits that the petitioner is of course brother of Bihari Yadav but no specific allegation of assault is made against the petitioner. Bihari Yadav is said to have fired on the back side of the neck of the Pankaj Yadav. From the post-mortem report, it would appear that the doctor found only one firearm injury i.e. one wound of entry and another wound of exit. This fact shows that it was Bihari Yadav, who fired on the back side of the neck of the deceased and on account of which brother of the informant died. The petitioner is in custody since 14.05.2020 having clean antecedent. It is lastly submitted that similarly placed co-accused, Sadanand Yadav has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 28.09.2020 passed in Cr. Misc. No.25148 of 2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like



amount in connection with **Jagdishpur P.S. Case No.100 /19** to the satisfaction of learned court below where the case is pending, subject to the following conditions:-

(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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient 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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