

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27476 of 2020

Arising Out of PS. Case No.-43 Year-2017 Thana- CHANDRADIP District- Jamui

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SADHU YADAV @ MUNDRIKA YADAV S/o Sukhdeo Yadav Resident of
Village-Karout, P.S.-Lakhisarai, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Smt. Indu Kumari Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Smt. Indu Kumari Shrivastava, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Chandradeep P.S. Case No. 43 of 2017 for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the co-accused person namely Kuldeep Yadav having exhorted the co-accused persons namely Upendra Yadav and Nitish Kumar to fire from their pistol upon the father of the informant, at the circle office on the alleged date and time of occurrence, whereupon though the said



co-accused person namely Upendra Yadav had fired from his pistol upon the father of the informant but the bullet did not hit the father of the informant, nonetheless, the co-accused Nitish Kumar had then fired from his pistol, resulting in the father of the informant being hit by gun shots on his temple (Kanpatti), whereafter he had fallen down on the ground and died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 08.01.2020. It is further submitted that though the petitioner is accused in two other cases, but he is on bail in the said two cases. It is also submitted that the name of the petitioner has transpired in the present case during the course of investigation, upon confessional statement having been made by the co-accused person, however, it is stated that the petitioner has been falsely implicated in the present case merely on suspicion. Lastly, it is submitted that similarly situated co-accused persons namely Kuldeep Yadav and Kamlesh Yadav have already been granted bail by co-ordinate Benches of this Court vide orders dated 15.01.2018 and 22.01.2019 passed in Cr. Misc. No. 59315 of 2017 and Cr. Misc. No. 823 of 2019 respectively.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the parity of the



case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court as also taking into account the fact that the allegation of firing is against the co-accused persons namely Upendra Yadav and Nitish Kumar, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Jamui in connection with Chandradeep P.S. Case No. 43 of 2017.

(Mohit Kumar Shah, J)

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