

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25148 of 2020

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

SADANAND YADAV S/o Umesh Yadav @ Bouki 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.Ranjan Kumar Jha, Adv.
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-09-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Jagdishpur P.S. Case No.100 of 2019 registered under Sections 302, 379 and 34 of the IPC and under Section 27 of the Arms Act.

The informant alleged that his brother Pankaj Yadav had gone to the house of his fufa (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 Bihari Yadav, Bihari Yadav and his two brothers, namely, Sadanand Yadav (petitioner) and Sonu Yadav demanded money and even then his brother refused to hand over money. Bihari Yadav and his two brothers caught Pankaj Yadav and thereafter Bihari Yadav fired on the back side



of the neck of his brother. Thereafter, his brother fell down on the ground and died.

Learned counsel for the petitioner submits that the petitioner is of course own 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 Pankaj Yadav died. The petitioner is in jail since 31.01.2020. The petitioner has already remained in jail for about eight months.

Learned A.P.P. did not dispute the fact.

Taking into consideration the facts that there is specific allegation of firing against Bihari Yadav and only one firearm injury i.e. wound of entry and wound of exit was found on the neck of Pankaj Yadav (deceased) and no other injury was found on the body of the deceased and the fact that the petitioner has already remained in jail for about eight months, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with



two sureties of like amount each to the satisfaction of learned
Additional Sessions Judge VI, Bhagalpur in connection with
Jagdishpur P.S. Case No.100 of 2019.

(Prabhat Kumar Jha, J)

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