

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11734 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- DARAUNDA District- Siwan

Satyendar Yadav Son Of Bhikhari Yadav Resident Of Village - Rasoolpur,
P.S.- Daraunda, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Senior Adv.
	:	Mr. Amarendra Kumar
For the Opposite Party/s	:	Mr. Ajeet Singh
	:	Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-09-2021 Heard learned senior counsel Mr. Y.C. Verma assisted by learned counsel Mr. Amarendra Kumar for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Daraunda P.S. Case No. 265 of 2020 registered for the offence punishable under Sections 302, 120 (B)/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the petitioner is that petitioner in association with two other co-accused persons killed father of the



informant by gun shot due which he sustained eight to ten fire arms injury and died. It is alleged that informant's father was a *Mukhiya* and petitioner along with two other co-accused namely *Pradip Yadav, Sunil Ray* had grievance with his father and they threatened to kill him.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that from the F.I.R., it is clear that informant is not an eye witness of any part of the occurrence and only on suspicion he has been dragged in the present case. On the basis of confessional statement of petitioner himself, he has been made accused in this case. He further submits that in the year 2005 daughter of the petitioner was kidnapped and for the said occurrence Daraunda P.S. Case No. 126 of 2005 was registered under Section 364/34 of the I.P.C. against unknown persons and during investigation name of the deceased was figured as accused of that occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 01.10.2020.

Learned APP for the State as well as learned counsel for the informant opposed the bail petition and submits that one co-accused Sunil Rai who is a notorious criminal having more than 11 heinous cases pending against him has been wrongly granted bail by the



learned District Judge, Siwan, is already threatening the witnesses and tampering with the evidence and petition for cancellation of his bail is already filed before this Court.

Considering the facts aforesaid and the fact that there is no eye-witness in the present case and only on mere suspicion petitioner has been falsely implicated in this case, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Daraunda P.S. Case No. 265 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

