

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26127 of 2021**

Arising Out of PS. Case No.-411 Year-2019 Thana- SIRDALA District- Nawada

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SANJAY YADAV SON OF KAPIL YADAV R/O VILLAGE- DUBRIBIGHA,
P.S.- SIRDALLA, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case
registered for the offence punishable under sections 302, 326,
120B and other allied sections of the Indian Penal Code.

As per prosecution case, on 22.9.2019 at about 11.15
p.m., informant got information that her husband Sita Yadav had
been killed by cutting his neck by sharp edged weapon by all
FIR named accused persons and left the dead body in the field.
Thereafter she came to her sasural and found her husband dead
and she learnt that all accused persons had killed her husband by
sharp cutting weapon on account of dispute of right of way.



It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. Informant is not an eye witness as FIR itself shows that she came to know about the occurrence from her family member and thereafter she came to the place of occurrence. There was earlier litigation between the parties with respect to killing of mother of the petitioner and the present case has been lodged out of retaliation. Admittedly, there is dispute between the parties with regard to passage of land and he is in custody since 17.05.2020. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that charge sheet has been submitted, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate IV, Nawada/ concerned court in Sirdalla P.S. Case no. 411 of 2019 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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