

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23354 of 2020**

Arising Out of PS. Case No.-299 Year-2019 Thana- KATEYA District- Gopalganj

Sanjay Yadav S/O- Kalicharan Yadav Resident of Village - Mishrauli, P.S. -  
Kateya, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                                                       |
|--------------------|---|-----------------------------------------------------------------------|
| For the Petitioner | : | Mr. Vikramdeo Singh, Advocate<br>Mr. Sanjay Kumar, Advocate           |
| For the State      | : | Mr. Zainul Abedin, APP                                                |
| For the informant  | : | Mr. Nagendra Kumar Singh, Advocate<br>Mr. Binay Kumar Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

5      15-01-2021                      Heard Mr. Vikramdeo Singh, learned counsel for the petitioner, Mr. Zainul Abedin, learned Additional Public Prosecutor for the State and Mr. Nagendra Kumar Singh, learned counsel for the informant.

The petitioner has filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Kateya P.S. Case No.299 of 2019 registered under Sections 341, 323, 307, 324, 302, 120-B/34 of the Indian Penal Code.

As per prosecution case, on 25.08.2019, the informant, his father and younger brother were at their Hardware Shop. In the meantime, co-accused Govind Yadav,



who was ex-President of PACS came to his shop and asked money for depositing in PACS otherwise he will have to face dire consequences. Thereafter, the informant, his father and younger brother proceeded to Kateya Police Station to lodge complaint. On the way, at Karkathan Tinmuhan, the accused persons named in the FIR encircled them and Indubati Devi wife of Govind Yadav took out knife from her apparel and provided it to her husband. She instigated him to kill all of them whereupon Sanjay Yadav caught hold of his father and Govind Yadav inflicted knife blow injury on his right shoulder as a result of which he became injured and unconscious. When his brother Shatrudhan tried to rescue his father, Govind Yadav assaulted him with knife on his left hand. Thereafter, the petitioner and Govind Yadav assaulted the informant and Govind Yadav also caused knife injury on his temporal region. Subsequently, the accused persons fled away. The informant with the help of locals brought his father to Referral Hospital, Kateya from where he was referred to Sadar Hospital after providing first aid, but on the way he died.

Mr. Vikramdeo Singh, learned counsel appearing for the petitioner submitted that the informant is not an eyewitness to the occurrence. The falsity of the case could be proved from



the fact that the inquest report of the deceased was prepared at 16.05 hours on 25.08.2019 and the informant is a witness to the inquest report but no suspicion has been raised in the inquest report against the petitioner. The written report was filed before the officer-in-charge of Kateya Police Station at 18.20 hours on 25.08.2019. Moreover, the victim was allegedly taken first to Referral Hospital and was provided first aid but no FIR was lodged. When he was being taken to Sadar Hospital and on the way he died, even thereafter, no FIR was lodged. Subsequently, after due deliberation and consultation, the FIR was lodged assigning specific role to specific persons only out of political enemy. He lastly contended that even as per the FIR, the petitioner is not the assailant of the deceased.

On the other hand, Mr. Nagendra Kumar Singh, learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. He contended that delay caused in institution of the FIR would not enure to the benefit of the petitioner as the informant was busy in providing medical treatment to the deceased. He contended that non-mentioning of the name of the petitioner in the inquest report may be due to the fault on the part of the police officer, who prepared the inquest report. He contended that in the FIR, it is specifically



stated that the petitioner had caught hold of the deceased and Govind Yadav assaulted him with knife.

Having heard the parties and perused the material on record, the petitioner, who is in custody for more than one year, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-XV, Gopalganj in connection with Kateya P.S. Case No.299 of 2019.

**(Ashwani Kumar Singh, J)**

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