

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35858 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- KHIRI MORE District- Patna

SANJAY YADAV Son of Late Chandradeo Yadav Resident of Tehta , P.S.-
Khiri More, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 29-06-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Khiri More P.S. Case No.95 of 2019 registered under Sections 302, 201, 120B and 34 of the Indian Penal Code.

The informant, father of the deceased, alleged that on 29.11.2019, his son, Rakesh Kumar was killed and his dead body was thrown only because he did not depose in a case of theft of vehicle. The informant further alleged that the accused persons Manu Yadav, Sujit Kumar, Giraj Yadav and Sanjay Yadav(the petitioner) took his son and threw his dead body after killing him.

The learned counsel for the petitioner submits that informant is not an eye witness of the occurrence. Even during the course of investigation, it has not come that anybody has seen the petitioner taking the deceased from his house. Nobody has seen the petitioner killing the deceased. It is further submitted that on mere suspicion, the name of the petitioner has surfaced in the case. Similarly situated co-accused, Manu Yadav



has already been granted anticipatory bail vide order dated 28.08.2020 passed by a co-ordinate Bench of this Court in Cr. Misc. No.12085 of 2020. The case of the petitioner stands exactly on the same footing.

Learned A.P.P. after going through the case diary submits that save and except the suspicion, there is no tangible material against the petitioner.

Taking into consideration the facts aforesaid and the fact that similarly situated co-accused, Manu Yadav has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court and the case of the petitioner stands exactly on the same footing, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Manish Kumar, learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Khiri More P.S. Case No.95 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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