

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5241 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- LAXMIPUR District- Jamui

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SANJAY YADAV SON OF SUFAL YADAV RESIDENT OF VILLAGE-
MAGHI, P.O- DIGGHI, P.S- LAXMIPUR, DISTRICT- JAMUI

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... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Archana Sinha, Advocate Mr. Shailesh Kumar Singh
For the State	:	Mr. Ram Chandra Sahni, APP
for the Informant	:	Mr. Pankaj Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 01-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegations in the FIR, it is stated by the informant that the accused persons including the petitioner herein stopped the informant as also his father who were travelling on a motorcycle. They started to threaten that it was because of them that they had spent Rs.5 lacs in Court proceeding. It is stated that on the orders of the petitioner, his brother Pramod Yadav started to assault his father placing a pistol on his temple. The informant fearing for his life escaped. After sometime sound of firing was heard. As a result of the time being dark, the informant did not go towards the place of



occurrence. The next morning the dead body of his father was recovered.

It is submitted by learned counsel for the petitioner that from the allegations in the FIR it would transpire that the informant is admittedly not an eye-witness to the occurrence. No specific overt act has been alleged against this petitioner. The petitioner is in custody since 29.9.2020. His case stands on a better footing to that of co-accused Pramod Yadav who has been enlarged on bail vide order dated 25.8.2021 passed in Cr. Misc. no. 12629 of 2021.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation against him. It is further submitted that the petitioner had suppressed his antecedents by not mentioning about more than a dozen cases pending against him as also one case in which he has been convicted. It is further submitted that the District Magistrate had proceeded against the petitioner also under the Crime Control Act. The petitioner is a veteran criminal. The trial in the learned Court below has already commenced and prosecution witnesses have also been examined.

A report was called for from the learned trial Court



and as per the report received contained in letter dated 29.6.2021 of the Additional District and Sessions Judge V, Civil Court, Jamui charges were framed and thereafter two prosecution witnesses have been examined on 9.2.2021 and 19.3.2021.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioner together with grant of bail to co-accused Pramod Yadav, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 34 of 2021 (arising out of Laxmipur P.S. Case no. 369 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge V, Civil Court, Jamui.

It is further directed that the petitioner shall remain physically present in the learned trial Court on each date of the trial.

Prakash/-

(Partha Sarthy, J)

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