

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10043 of 2021

Arising Out of PS. Case No.-39 Year-2009 Thana- UDAKISHUNGANJ District- Madhepura
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SANJAY YADAV @ KAILASH YADAV @ SHYAMA KANT YADAV
SON OF AMBIKA YADAV VILLAGE- KAMLA KUND, POST OFFICE-
ISMAILPUR, POLICE STATION- ISMAILPUR, DISTRICT-
BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary No.1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-08-2021 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 section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., the eleven named accused persons, late in the night came variously armed, called the brother of the informant and for the reason as to why he was not joining their party, shot him.

It is submitted by learned counsel for the petitioner that although the petitioner carries the same name, he is not the person named in the FIR. It is further submitted that even



otherwise the allegations are general and omnibus in nature with no specific allegations against the petitioner. The investigation in the case has concluded and the petitioner is in custody since 13.8.2020.

It is submitted by learned A.P.P. for the State that the petitioner is named in the F.I.R. which was registered in the year 2009 and the petitioner continued to abscond till he was arrested in the year 2020. The trial in the case has commenced.

Having heard learned counsel for the parties and on perusal of the report received from the learned Court below as contained in letter dated 15.6.2021, it transpires that only one prosecution witness has been examined.

In view of the facts and circumstances of the case together with the petitioner having remained in custody for more than 11 months, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 120(B)/2009/CIS no. 1465 of 2013 (arising out of Udakishunganj P.S. Case no. 39/2009) 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 Sessions Judge V, Madhepura.

It is further directed that the trial having commenced,



the petitioner shall cooperate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed because of the petitioner, it will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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