

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86693 of 2019

Arising Out of PS. Case No.-102 Year-2019 Thana- PALI District- Jehanabad

SANJAY YADAV @ SANJAY PRASAD YADAV @ SANJAY PRASAD Son
of Late Rajbali Yadav Resident of Village - Rasalpur, P.S.- Dhanarua, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Srivastava, Advocate

For the Opposite Party/s : Mr.Manoj Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

6 02-07-2021 Petitioner seeks bail in a case registered for the
offence punishable under Section 302 read with Section 34 of
the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, 3 to 4 unknown persons allegedly fired
upon the brother of the informant, while he was returning house
after closing his flour mill, as a result of which, he succumbed
to injuries.

Petitioner is not named in the FIR. It has been

submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. During investigation, statement of widow of deceased was recorded and she named Vijay yadav and 3-4 unknown persons as accused. Vijay Yadav in his confessional statement named Jitendra Yadav, Bhanu Yadav and Jitendra Kumar as his accomplice and also manner in which crime was committed. It has been submitted that name of the petitioner has surfaced in this case at subsequent stage of investigation on the confessional statement made by the co-accused Jogendra Yadav and except said confessional statement, there is no any other incriminating material against the petitioner. Charge-sheet has already been submitted against petitioner and other co-accused on 23.11.2019. Petitioner is in custody since 31.08.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Pali P.S. Case No. 102/2019 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court

concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

Sanjay/-

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