

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26046 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- ASANWA District- Siwan

Sunil Yadav @ Sunil Kumar Yadav Son Of Raj Kishore Yadav Resident Of
Village- Bikaur, P.S.- Asswan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 16-02-2022 The applicant is an accused in Crime No.133 of 2020 registered with Assaon Police Station for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that co-accused Anil Yadav is granted bail vide order dated 01.12.2021 passed in Cr. Misc. No.66241 of 2021 by a coordinate Bench of this Court. It is further argued that there are no eyewitness to the said crime and, therefore, the applicant against whom there is no evidence is entitled for bail.

The learned Additional Public Prosecutor opposed the application by relying on the case-diary as well as counter



affidavit. He argued that only six witnesses are to be examined by the prosecution and out of those six witnesses, three witnesses have already been examined and the sessions case is posted for further evidence on 21.02.2022.

I have perused the order dated 01.12.2021 in the matter of co-accused Anil Yadav. However, the principle of parity is not applicable on the basis of the said order in the light of judgment of the Hon'ble Supreme Court in Criminal Appeal No.95 of 2022 Sunil Kumar V. The State of Bihar and Another.

The trial is in advance stage. According to the prosecution case, Raj Kishore Yadav, who happens to be father of applicant Sunil Yadav, was having illicit relations with deceased Kranti Devi. The prosecution has collected evidence regarding last seen theory. There is witness who has stated that the applicant and co-accused Anil Yadav armed with sticks had gone in the direction in which the deceased had gone and thereafter dead body of the deceased was found. The deceased died homicidal death.

In this view of the matter and for the reasons stated in the foregoing paragraphs, **no case for grant of bail to the applicant/accused is made out.** Application is rejected.



However, the learned trial Court is directed to dispose of the trial expeditiously in the light of the mandate of Section 309 of the Cr.P.C. and to decide it within a period of three months from today. Necessary compliance report be forwarded to this Court by the learned trial Court.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

U		T	
---	--	---	--

