

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29831 of 2022

Arising Out of PS. Case No.-49 Year-2020 Thana- MANSAHI District- Katihar

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SANJAY YADAV SON OF LATE RAM NARAYAN YADAV R/O VILLAGE
- BISHANPUR , P.S- MANSAHI , DIST- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 302. 120B/34 of the Indian Penal

Code and section 27 of the Arms Act.

As per prosecution on the alleged date and time of the

occurrence, co-accused persons surrounded the wife of the informant
and caught hold and tried to take her in a maize field and this
petitioner and co-accused persons chased the informant and in the
mean time, informant heard the sound of firing and thereafter he
found his wife lying in a pool of blood in a maize field and the victim
died at the spot and she sustained firearm injury and reason behind
the alleged occurrence was of land dispute as well as co-accused Lalu



Yadav's misbehaving with the informant's wife on mobile conversation.

The main submissions advanced by Sri Bhola Prasad, the learned counsel for the petitioner are that petitioner has got no criminal antecedent and against him there is no specific allegation, he is simply alleged to be present at the alleged place of occurrence, main allegation is against Lalu Yadav. Further submission is that in the present case, most of the accused persons have been granted bail by different benches of this court vide orders passed in Cr. Misc. no. 10328 of 2022, Cr. Misc. no. 15058 of 2021, Cr. Misc. no. 43040 of 2021 and petitioner's case is similar to the co-accused persons who are on bail.

Dr. Ajeet Kumar, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. In the FIR there is no specific allegation against the petitioner, main role in committing the alleged murder is stated to be of co-accused Lalu Yadav, petitioner's allegation is similar nature to the co-accused persons who are on bail.

Considering these facts and mainly taking into account petitioner's case being similar to co-accused persons who have been granted bail vide orders passed in the above mentioned miscellaneous cases in the opinion of this court, petitioner also deserves same privilege. Let the petitioner 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 the Sessions Judge, Katihar in Sessions trial no. 283 of 2021 arising out of Mansahi P.S Case No. 49 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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