

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29665 of 2022

Arising Out of PS. Case No.-206 Year-2015 Thana- KAKO District- Jehanabad

Sanjay Yadav, Son Of Ramu Yadav R/O Village- Damuhan Tola, Jogiyadih,
P.S.- Kako, District- Jehanabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Narendra Kumar Singh
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman
	Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 302/
34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that after her husband came from attending a meeting at
Panchayat Bhawan, the accused persons came and took him to
Jehanabad market and thereafter, at 6.00 P.M. Chandra Shekhar
Yadav came and informed the informant that her husband was
not well. Accordingly, the informant along with her family
members reached the place of occurrence and saw the accused



persons bringing his dead body in an auto.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that based on suspicion, the petitioner has been implicated in the present case. It is next submitted that from bare reading of the allegations as alleged in the F.I.R., it would manifest that the husband of the informant accompanied the accused persons willingly without any protest, this amply demonstrates that the accused persons and the petitioner were on good terms. It is also submitted that if the term of the husband of the informant with the accused would not have been cordial, then definitely the informant also would have objected when her husband was accompanying them. It is next submitted that it absolutely does not stand to reason that if the petitioner would have committed offence along with other accused, then definitely Chandra Shekhar would not have come to the house of the informant to inform that her husband was not well and froth was coming out from his mouth. The learned counsel next submits that police after investigation submitted final form which amply demonstrates that during the course of investigation, nothing was found which can even remotely connect the petitioner with the offence. It is next submitted that



differing with the police report in a mechanical manner, the learned trial Court took cognizance of the offence. The learned counsel very fairly submits that one similarly situated co-accused Dinesh Kumar's anticipatory bail application was rejected by order dated 20.09.2016 in Cr. Misc. No.28674 of 2016, but then at that time when anticipatory bail application was rejected, this fact was not before the Court that police after investigation has submitted final form.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to meet the submissions of the learned counsel for the petitioner and also that though the anticipatory bail application of Dinesh Kumar as aforesaid was rejected earlier, but then by that time, the police had not submitted final form in favour of the accused persons.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where



the case is pending in connection with Kako P. S. Case No.206
of 2015, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

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

