

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48994 of 2021

Arising Out of PS. Case No.-112 Year-2015 Thana- MADANPUR District- Aurangabad

DHEERAJ YADAV @ DHANUKDHARI YADAV Son of Bangali Yadav
Resident of Village - Pahadpur, P.S. - Amas, District - Gaya (BIHAR)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate
For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Madanpur P.S. Case No. 112 of 2015 giving rise to S.Tr. No.
102 of 2020/05 of 2020 instituted for the offences under
Sections 302, 201, 120(B)/34 of the Indian Penal Code read
with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 29.06.2019, charge-sheet has been
submitted and even charges have been framed but the trial has
not commenced.

Learned counsel for the petitioner submits that the
informant alleges that he came back home for lunch after work



his niece disclosed that three person had taken the informant's father on a motorcycle, after search, the deceased could not be located and next day his dead body was found, accordingly, it is alleged that his sister's husband died and she re-married her brother-in-law Sarvesh Kumar who used to torture her for which a case was lodged and Sarvesh Kumar used to threatened the father of the informant for compromise or else he will face the consequences, thus, on basis of suspicion it was alleged that Sarvesh Kumar after abducting his father got him killed.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and, during course of investigation, it transpired that one Mantu Singh at the behest of Sarvesh Kumar shot the deceased and this petitioner was also part of the crime. Learned counsel next submits that co-accused Mantu Singh has been granted bail by order dated 06.09.2016 in Cr. Misc. No. 37244 of 2016, Sarwesh Kumar @ Sarvesh Kumar has been granted bail by order dated 10.03.2016 in Cr. Misc. No. 54908 of 2015 and Govind Kumar Yogi @ Govind Goshawami has been granted bail by order dated 03.10.2016 in Cr. Misc. No. 28497 of 2016. Learned counsel also submits that since co-accused, who is alleged to have fired, has also been granted bail and this petitioner was languishing in custody in a



different case and came to be remanded in the present case, as such, the petitioner based on parity, prays that his bail be allowed.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, charges have been framed and co-accused as aforesaid have been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Aurangabad, Bihar in connection with Madanpur P.S. Case No. 112 of 2015 giving rise to S.Tr. No. 102 of 2020/05 of 2020, subject to the condition that one of the bailors shall be the father of the petitioner, namely, Bangali Yadav.

(Satyavrat Verma, J)

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