

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39401 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- SALAKHUA District- Saharsa

Kajima Sada @ Kajum Sada Son Of Visundev Sada @ Bishundev Sada R/O
Village- Kanti, P.S.- Salkhua (O.P.- Chiraiya), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-11-2022 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 learned APP for the State.

Petitioner seeks regular bail in connection with Salkhua (Chiraiya OP) P.S. Case No. 32 of 2021 registered for the offences punishable under Sections 147, 148, 149, 302, 379, 504 and 506 of the Indian Penal Code as well as under Section 27 of the Arms Act.

As per the allegation, fifteen to sixteen persons including thirteen accused persons named in FIR, came at the alleged place and surrounded the informant and her brother-in-law and started abusing, meanwhile co-accused Raushan Yadav,



Smit Yadav and Satyanarayan Yadav @ Pappu Yadav fired at the informant's Brother-in-law's head and neck as a result of which he died. It is further alleged that when the informant tried to scream then she was assaulted by co-accused Raushan Yadav and Kishore Mahto and a sum of Rs. 10000 was snatched by Smit Yadav.

The main submissions advanced by the learned counsel Mr. Amarnath Jha appearing for the petitioner are that there is no specific allegation against this petitioner in the FIR, also he has not been named in the FIR and he has been languishing in jail since 24.01.2022. Further submission is that two co-accused persons namely Bipin Yadav and Nagin Chaudhri @ Nagina has been granted bail by co-ordinate Benches of this Court vide orders passed in Cr. Misc No. 43165 of 2021 and Cr. Misc No. 69474 of 2021 respectively.

Learned APP Dr. Mrityunjaya Kr. Gautam appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case record. The main contentions advanced by learned counsel appearing for the petitioner are that the petitioner has clean antecedent, he is not named in the FIR and languishing in jail since 24.01.2022 and similarly situated two co-accused persons



named Bipin Yadav and Nagin Chaudhri @ Nagina who are also not named in the FIR have been granted bail vide orders passed in above mentioned Cr. Misc cases. Considering the said submissions and mainly taking into account the fact that the petitioner's case stands on similar footing with the said co-accused persons who are on bail and the petitioner has been languishing in jail since 24.01.2022 without finding place in the FIR, hence the petitioner is also entitled to the same privilege which is being enjoyed by the co-accused persons, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, 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 concerned Court in connection with Salkhua (Chiraiya OP) P.S. Case No. 32 of 2021 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 a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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