

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50167 of 2021**

Arising Out of PS. Case No.-357 Year-2020 Thana- SABAUR District- Bhagalpur

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YOGESH YADAV Son of Narayan Gop @ Narayan Yadav Resident of
Village- Daspur (Hasanchak, Navtolia), P.S.- Sajour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-03-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sabour P.S. Case No. 357 of 2020 for the offence registered
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

The allegation is regarding there being some dispute
in between the co-accused person namely Prabhu Yadav and the
deceased i.e. Sanni Kumar, husband of the informant. It is
alleged that on the fateful day, the said Prabhu Yadav, Jyotish
Yadav and the petitioner had accompanied the deceased on a
motorcycle, however, the deceased did not return back and
subsequently his dead body was recovered.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 19.04.2021. The learned counsel for the petitioner has further submitted that there is no eye witness to the alleged occurrence and moreover no motive is attributable to the petitioner so as to warrant killing of the deceased inasmuch as the dispute, if any, was in between the co-accused person namely Prabhu Yadav and the deceased. It is also submitted that the deceased was a veteran criminal and had taken loan from several persons, hence his death might be attributable to such persons from whom he had enmity, however, as far as the petitioner is concerned, the deceased was not having any enmity with him.

Per contra, the learned APP for the State Shri Ashok Kumar though has vehemently opposed the prayer for bail but has assisted this Court by referring to various paragraphs of the case diary. Upon a query being put by this Court, regarding the call detail report, it has been submitted that it is apparent from paragraph nos. 69 and 70 of the case diary that the deceased and the co-accused person namely Prabhu Yadav were at the same location on the fateful day i.e. on 15.12.2020. It is also submitted that the said co-accused person namely Prabhu Yadav



was continuously talking on the fateful day with the co-accused person namely Jyotish Yadav, however, as far as the petitioner is concerned, the call detail report regarding him having talked either with the said co-accused person namely Prabhu Yadav or the deceased, has not come to the fore. It is next submitted by referring to the supervision note that evidence has come on record to suggest that the deceased was having illicit relationship with the wife of the said co-accused person namely Prabhu Yadav, hence a strong motive exists qua the said co-accused person, namely, Prabhu Yadav for killing the deceased. However, as far as the petitioner is concerned, no motive has transpired during the course of investigation so as to indicate his complicity in the matter.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also the Ld. A.P.P. for the State and taking into account the materials available on record as also considering those available in the case diary, this Court finds that minuscule evidence is available qua the petitioner so as to show his complicity in the alleged occurrence, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.



Accordingly, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-XI, Bhagalpur in connection with Sessions Trial No. 353 of 2021 arising out of Sabour P.S. Case No. 357 of 2020.

(Mohit Kumar Shah, J)

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