

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42061 of 2022

Arising Out of PS. Case No.-198 Year-2016 Thana- KATEYA District- Gopalganj

Nilesh Yadav Son of Rajkishore yadav @ Kishore Yadav Resident of Village -
Amhi Banke, P.S. - Kateya, District - Gopalganj,.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-11-2022 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
Kateya P.S. Case No. 198 of 2016 registered for the offences
punishable under Sections 147, 148, 149, 302 and 120B of the
Indian Penal Code.

As per the prosecution, the informant in his fardbeyan
has alleged that on the alleged date and time this petitioner
along with other co-accused persons had assaulted the
informant's brother at the alleged place and thereafter all the
accused persons persuaded the informant's brother to have



dinner with them and later on the same night they killed him by means of knife and strangulating him.

The main submissions advanced by the learned counsel Mr. Sanjay Kumar Pandey No. 5 for the petitioner are that in the FIR there is no specific allegation against the petitioner and any motive on the part of the petitioner as well as co-accused persons to commit the murder of the informant's brother has not been revealed and as per the FIR the deceased went to attend dinner with the accused persons which shows that there was a good relation between the deceased and the accused persons at that time and if the prosecution story mentioned in the FIR is believed even then no reason to kill the deceased by accused persons appears. Further submission is that the allegation mentioned in the FIR is general and omnibus against the petitioner. Further submission is that other co-accused persons are on bail granted by different co-ordinate Benches of this Court and the petitioner himself surrendered before the Court below and owing to late surrender of the petitioner the Court below did not consider his prayer.

Learned APP Mr. Bharat Lal appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering



the facts that the petitioner has clean antecedent and in the FIR there is no specific allegation against him and co-accused persons carrying similar nature of allegation are on bail as mentioned in paragraph No. 27 to 31 of the petition, in the opinion of this Court a lenient approach can be taken in respect of the 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 Kateya P.S. Case No. 198 of 2016.

(Shailendra Singh, J.)

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