

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55831 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- TRIVENIGANJ District- Supaul

SANJAY YADAV Son of Kamleshwari Yadav Resident of Village - Karnpatti
Ward No. 14 Panchayat Aurlaha, P.S. - Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Triveniganj Police Station Case No. 283 of 2020, registered for the offences punishable under Sections 326/ 302/120B/34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4/5 of Witchcraft (Dian) Prohibition Act.

The prosecution case, as per the First Information Report, is that the informant was sleeping near the door and his wife was sleeping on verandah and on the hearing the sound of gun shot in the night, he rushed there and found that his wife had sustained gun shot injury in her head, due to which, she died on the way to the hospital. The informant has given the names of accused persons who are the neighbours as suspects of killing of his wife and has stated that they used to call the wife of the



informant as witch (Dian).

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as nobody has seen the alleged occurrence and there is no eye witness to the same, and on account of suspicion only, the petitioner along with the neighbours and others have been made accused in this false case. He further submits that there is no specific allegation against the petitioner and he has got no criminal antecedent. He next submits that similarly situated co-accused Manoj Yadav has been granted bail by a co-ordinate Bench of this Court, vide order, dated 16.07.2021, passed in Criminal Misc. No. 22063 of 2021. He next submits that similarly situated co-accused Shandeo Yadav has been granted bail by this Court, vide order, dated 08.02.2022, passed in Criminal Misc. No. 50382 of 2021. He next submits that petitioner is in custody since 02.03.2021, having no criminal antecedent and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been



granted bail by this Court, the petitioner is in custody since 02.03.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Supaul, in connection with Triveniganj Police Station Case No. 283/2020 subject to the following conditions:-

(i) that 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.

(ii) that if the petitioner tampers with the evidence of the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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