

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 57648 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- AANDAR District- Siwan

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SONU YADAV SON OF GARJU YADAV @ GARJU CHAUDHARY R/O
VILLAGE- SAREYA, P.S.- HUSAINGANJ, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Andar
P.S. Case No. 51 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 16.10.2020.

The allegation against the petitioner is to commit
murder of husband of the informant along with other co-accused
person, as hired killer.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Monu Dubey, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 21350 of 2021 dated 23.11.2021. It is also submitted that in furtherance of said confessional statement, no incriminating surfaced/recovered, which may connect the petitioner, *prima-facie*, with the present set of occurrence. It is also submitted that despite the fact that the informant is the eye-witness of the present occurrence, the petitioner was never put on TIP. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, Sri Ashok Kumar, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating surfaced against this petitioner in furtherance of confessional statement of co-accused, to connect petitioner, *prima-facie*, with allegation coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in



connection with Andar P.S. Case No. 51 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan/concerned court, subject to the following conditions:

- “(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.
- (iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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