

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58980 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- ASHTHAWAN District- Nalanda

SANJAY YADAV @ DOMA @ DOMAN YADAV @ DOMAN Son of
Nepali Yadav Resident of Village- Asthawan, P.S.- Asthawan, District-
Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 08-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr. No.
439 of 2021 arising out of Asthawan P.S. Case No. 70 of 2021
instituted for the offences under Sections 363, 365 and 34 of the
Indian Penal Code and subsequently Sections 302, 201 and
120(B) of the I.P.C. were added.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.03.2021, is a person with clean
antecedent and charges have been framed but the trial has not
commenced.

Learned counsel for the petitioner submits that the
informant alleges that on 06.03.2021 at 8:00 pm his son had



gone to the house of Sanjay Yadav (petitioner) for dinner and when he did not return, a search was made and the informant came to know that his son was abducted by the petitioner, Guddu Yadav, Vijay Yadav and Nepali Yadav.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated, subsequently the dead body of the deceased was found, the learned counsel submits that the informant and the petitioner are own cousin brothers and this fact has been concealed in the F.I.R. and there is a land dispute between the petitioner's and informant's family. Learned counsel further submits that the informant is not an eye-witness to the occurrence and the entire allegation hinges on suspicion. It is submitted that since the petitioner along with other accused persons were named in the F.I.R. as such they were arrested by the police and were made to confess about their participation in the crime. Learned counsel submits that though the petitioner has confessed his participation in the crime but then from perusal of the confessional statement it would manifest that no reason has been assigned for committing the occurrence, which amply demonstrates that the petitioner under duress was made to confess merely because he was made a named accused in the F.I.R.



Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted in the case, the F.I.R. conceals the relationship between the informant and the petitioner, informant is not an eye-witness to the occurrence and the allegation is based on suspicion, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Nalanda at Biharsharif in connection with S.Tr. No. 439 of 2021 arising out of Asthawan P.S. Case No. 70 of 2021.

(Satyavrat Verma, J)

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