

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63365 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- PATNA CITY CHOWK District- Patna

Sagar Yadav @ Sagar Kumar, S/o Sunil Yadav R/o Nirankar Bhawan, Morcha Par, Mathanital Road, P.S.- Chowk, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Nityanand Kumar, Advocate
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-05-2022 Heard Mr. Yogesh Chandra Verma, learned senior counsel assisted by Mr. Nityanand Kumar, learned counsel for the petitioner, learned counsel for the informant and Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Chowk P.S. Case No. 118 of 2020 registered for the offences punishable under Section 302/387/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act and $\frac{3}{4}$ of Explosive Substances Act. He is in custody since 20.03.2020 having fourteen (14) criminal antecedents as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the prosecution story the husband of the informant had



received call on his mobile number saying that the caller is Sagar Yadav (the petitioner) and he was speaking from juvenile home. He asked the husband of the informant as to why he is not taking care of his words and then he threatened the husband of the informant of dire consequences. Later on another call was received and the caller had disclosed his name as Jacky. It is alleged that when the husband of the informant was sitting inside his shop namely Baba Jewelers altogether six boys reached there and shot at the husband of the informant and killed him.

Learned counsel submits that on the date of the alleged occurrence this petitioner was in judicial custody and there is no eye witness to the alleged occurrence. The co-accused Niraj Chaudhary is said to have fired upon the deceased. Learned counsel further submits that co-accused Ravi Kumar, Chandan Kumar and Manish Jaiswal have been granted bail by learned coordinate Benches of this Court. It is, thus, submitted that the petitioner who has been remanded in this case on 20.03.2020 deserves the privilege of bail.



On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that from the narrations present in the First Information Report itself it may be noticed that this petitioner is the mastermind and he is having a gang of criminals who are involved in extorting money from the businessmen and as the husband of the informant did not pay the demanded amount, he was killed. The whole occurrence has taken place pursuant to the conspiracy hatched by the petitioner and his active participation seems to be present even from inside the juvenile home. It is further submitted that the petitioner has disclosed his age in the present petition as 22 years, therefore, he is not a juvenile and in the given kind of criminal antecedents the petitioner if released on bail is likely to not only indulged in further criminal activities but will even render difficult to proceed with the trial.

Having regard to the materials present in the F.I.R. showing that the caller had identified himself as Sagar Yadav (the petitioner) and he had threatened the husband of the informant of dire consequences because her husband was not making the demand, the petitioner has got fourteen



(14) criminal antecedents and perusal of paragraph '3' shows that all are of serious in nature, to this Court it appears that while being on bail the petitioner has indulged in several criminal activities one after another and in this case his involvement has been alleged while being in judicial custody, there being threat to the witnesses and if released on bail the trial may not be concluded in near future, this Court is not inclined to release the petitioner on bail.

The prayer for bail of the petitioner is, thus, refused.

This application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

