

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65065 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- NAUTAN District- Siwan

Shailendra Yadav @ Pandit aged about 23 years (M) son of Rama Shankar Yadav, Resident of Village- Hathauji, P.S.- Nautan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ajay Kumar Tiwary, Advocate
For the Informant	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 23-08-2022 Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Ajay Kumar Tiwary, learned counsel appearing on behalf of the petitioner, Mr. Ashok Kumar, learned counsel appearing on behalf of the informant and Mr. Atul Chandra, learned A.P.P. for the State.

Petitioner, who is in custody since 09.11.2020, seeks regular bail in connection with Sessions Trial No. 136 of 2021 arising out of Nautan P.S. Case No. 177 of 2020 dated 08.11.2020 registered for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that the informant namely, Pappu Kumar Yadav had filed written information before the S.H.O., Nautan Police Station on 08.11.2020 alleging



therein that on 07.01.2020 at 5 p.m., his brother, aged about 18 years was found lying in pool of blood alongside the road.

Learned senior counsel appearing on behalf of the petitioner submits that from the bare perusal of the FIR it would appear that the allegation against the petitioner is of conspiring to commit murder along with other co-accused named in the FIR. No overt act has been assigned to the petitioner. Informant is not the eye-witness. The FIR has been lodged the very next day subsequent to the inquest prepared by the police. He further submits that petitioner has cooperated in the investigation and on his confessional statement, the recovery of alleged arms was made and subsequent to that co-accused Uma Shankar Yadav has admitted his guilt that he is the one who had fired upon the victim. Petitioner is in custody since 09.11.2020.

Sri Ashok Kumar, learned counsel appearing on behalf of the informant submits that the petitioner has played main role in commission of murder of the brother of the informant and on his information, co-accused Uma Shankar Yadav had fired upon the brother of the informant. Though the informant is not the eye-witness, the circumstances and materials which have been gathered in course of investigation show that the confessional statement of the present petitioner



leading to the recovery of arms and other materials and subsequent to that admission of the co-accused Uma Shankar Yadav that he had committed murder. The complicity of the petitioner in commission of murder of the brother of the informant cannot be ruled out. Petitioner is having criminal antecedent for offence committed under Sections 341, 323, 324, 307 of the Indian Penal Code and Section 3 (I) (r) (s) of the SC/ST Act.

Learned A.P.P., for the State informs this Court that the informant has been informed. He referred to several paragraphs of the case diary and made his specific submission that the petitioner is involved in the crime and as such it would not be in the interest of society to release the petitioner on bail.

Having considered the rival submissions of the parties and from the bare perusal of the FIR it appears that the allegation against the petitioner is of being one of the conspirators. The main accused has admitted his guilt that he is the one who had fired upon the deceased. Petitioner is in custody since 09.11.2020. Charge-sheet has already been submitted and it has been informed by the trial Court that trial is at the stage of examination of witnesses and the report is silent regarding the expected period during which the trial will be



concluded, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII, Siwan in connection with Sessions Trial No. 136 of 2021 arising out of Nautan P.S. Case No. 177 of 2020 dated 08.11.2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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