

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 70882 of 2021**

Arising Out of PS. Case No.-13 Year-2020 Thana- JIRADEI District- Siwan

SANDEEP YATI Son of Lakshmi Kant Yati Resident of Village - Thepha
Bazar, P.S.- Ziradei, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 19-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Ziradei Police Station (for
brevity, *PS*) Case No 13 of 2020 instituted for the offence
punishable under Sections 147, 323, 504, 341, 325, 326, 307,
302/34 of Indian Penal Code.

Since 21.05.2020, the petitioner is stated to be in
custody. Allegation against him is that he, along with two other
accused persons, have come to the informant's shop and started
abusing and assaulting the informant and his son. The petitioner
is alleged to have given knife blow on the thigh of informant's
son, which has subsequently led to death of the victim.

Learned counsel for the petitioner submits that the



petitioner has no criminal antecedents and no motive has been assigned in support of the prosecution. The deposition of witnesses, during course of investigation, is at variance regarding the details as to who assaulted the victim and there is no repeated blows, attributed to the petitioner.

Prayer for bail, considering the aforesaid submissions, was rejected on 25.02.2021, where after, the petitioner has renewed his prayer for bail before the trial Court on 29.07.2021. The rejection of his prayer by the Court of Additional Sessions Judge V, Siwan under order dated 29.07.2021 has led to filing of the instant petition renewing the prayer for bail.

In the aforesaid background, this Court had called for a report regarding the stage of trial. Report dated 05.01.2022 is to the effect that summons have been issued to secure the attendance of the witnesses but no witness has been produced and the record is pending at the stage of prosecution evidence.

Considering the facts of the case, submission advanced on behalf of the petitioner and the learned APP, who has opposed the prayer for bail, report of the trial Court that not a single witness has been examined till date and also considering the fair antecedent of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the



submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V, Siwan in Sessions Trial No 9 of 2021 arising out of Ziradei PS Case No 13 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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