

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12037 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- CHHABILAPUR District- Nalanda

Sazo Yadav, Son Of Late Devki Yadav R/O Village- Keshri Bigha, P.S.-
Chhabilapur, District- Nalanda.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar
For the Opposite Party/s :	Ms. Madhuri Lata
	Mr. Bipin Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-01-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 338, 504, 302/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 19.05.2021, he is a person with clean antecedent and is a senior citizen aged about 65 years.

The learned Additional P. P., at the outset, draws the attention of the Court to order dated 20.12.2022 and submits that the criminal antecedent of the petitioner was called for. The criminal antecedent of the petitioner has been received and from perusal of the report, it manifests that two criminal cases were registered against the



petitioner, but the petitioner for reasons best known, chose to conceal the same before this Court which prima facie disentitles the petitioner from seeking bail as he had not approached the Court with clean hands.

It is next submitted that the informant alleges that his son and son-in-law were intercepted by the named accused persons and on orders of Ranjit Prasad, accused Nitish Kumar assaulted his son by an iron rod on which he fell. Thereafter, the accused persons tied his hand and leg. Thereafter, petitioner, Chhote and Shrawan assaulted with brick and danda on which his son-in-law informed the informant. Accordingly, the informant reached the place of occurrence and saw the accused persons assaulting the deceased. Further, on alarm, the accused fired and fled and his son died on way to hospital. It is next alleged that his son disclosed the name of the accused who assaulted him.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that the allegation of assault is general and omnibus in nature. It is further submitted that deceased died on way to hospital and thus, it does not appear probable that he would have informed the informant about that as to who assaulted him. It is next submitted that from perusal of the F.I.R., it also manifests that it appears that informant is not an eye witness to the occurrence rather he came at the place of occurrence after he was informed by his son-in-law.



The learned counsel for the informant as well as learned A.P.P. opposes the bail application and submits that petitioner had not approached this Court with clean hands as such, his bail should be rejected. It is also submitted that the trial has commenced and two witnesses have been examined.

Considering the submission made by the learned counsel for the informant and the learned Additional Public Prosecutor, the Court is not inclined to release the petitioner on bail for the present.

Accordingly, his prayer for bail stands rejected.

However, if the trial is not concluded within a period of eight months from today, the petitioner would be at liberty to renew his prayer for bail before the learned trial Court itself and in the event, if the learned trial Court comes to a conclusion that for no fault of the petitioner that trial could not be concluded, the learned trial Court shall be at liberty to release the petitioner on bail keeping in mind that petitioner is a senior citizen.

(Satyavrat Verma, J)

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