

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29487 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- SARSI District- Purnia

Sanjay Yadav, Son of Rajendra Prasad Yadav, Resident of Kadarganj, P.S.-
Sarsi, District-Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Senior Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s :	Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sarsi P.S. Case No.1 of 2023 registered for the offences
punishable under Sections 363, 364, 365, 302, 201, 406 and
120-B of the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and
is in custody since 13.01.2023.

4. Allegation against the petitioner is to commit
murder of father of informant along with named co-accused
persons, who was engaged as a watchman/guard of the pond of
this petitioner.

5. It is submitted by Mr. Yogesh Chandra Verma,
learned senior counsel while appearing on behalf of the



petitioner that initially petitioner was not named in FIR but, subsequently, during the course of investigation, while recording re-statement, the informant named this petitioner as an afterthought that her father was engaged as a watchman by this petitioner to care of his pond. It is submitted by learned senior counsel that merely on the ground of suspicion as dead body of father of informant found wrapped in a plastic bag from the pond of this petitioner, he was implicated with present case without having any other connecting evidence. It is submitted that the cause of death as per postmortem report appears smothering, which clearly suggest that occurrence took place some where else and just for the purpose of disappearance of the dead body/evidence, same was thrown to the pond of petitioner, which is an open place and accessible by general public. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case is completed for which, charge-sheet has been submitted and as such there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as implication of this petitioner appears with this



case *prima facie* out of suspicion, as dead body of the father of informant found in his pond, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 13.01.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No.1 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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