

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52199 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- SISWAN District- Siwan

Sanjay Yadav Son of Rajdev Yadav Resident of Village-Noniyapatti, P.S.-
Siswan, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Bakar, Advocate.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Abu Bakar, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Siswan P.S. Case No.128 of 2021, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Allegedly, when the informant woke up in the morning she found that the dead body of her son was thrown in front of his house. She further alleged that her son was being regularly threatened at the hands of the accused persons including the petitioner and as such she suspected the hands of the petitioner and others in the commission of the crime.

4. Learned counsel appearing on behalf of the petitioner submits that save and except suspicion, there is no



material suggesting the complicity of the petitioner. He further submits that there is neither any proceeding pending between the petitioner and the deceased nor there have ever been any complaint lodged by the informant or her son against the petitioner prior to the lodging of the present FIR. He next submits that co-accused person having identical allegation has been allowed privilege of anticipatory bail by learned Coordinate Bench of this Court in Cr. Misc. No. 14424 of 2023 vide order dated 06.07.2023, the copy of which has been brought on record by way of Annexure-2. He lastly submits that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the case and would not indulge in tampering of the evidence or intimidating the witnesses.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that it is a case of serious nature, where son of the informant was done to death.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record which suggest only suspicion and there is no other cogent material against the petitioner, coupled with his fair antecedent,



let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- I Class, Siwan in connection with Siswan P.S. Case No.128 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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