

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56629 of 2022

Arising Out of PS. Case No.-273 Year-2019 Thana- MANSI District- Khagaria

SACHIDANAND YADAV, SON OF HRIDAYNARAYAN YADAV, Resident
of Village- Shishwa, Police Station- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Viveka Nandsingh, Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Mr.Shekhar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the learned
counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in connection with Mansi P.S.
Case No. 273 of 2019 registered for the offence punishable under
Sections 147, 148, 149, 341, 307, 302, 120(B), 504 and 506 of the
Indian Penal Code and Section 27 of the Arms Act.

As per allegation, 14 named accused persons have
surrounded and abused the informant along with his brother and son,
when they were canvassing for the PACS Election. The allegation is
that informant's brother has sustained fire arm injuries as a result of
assault by the persons and has succumbed to the injury. The other
persons have also sustained fire arm injuries, as per allegation.

Learned counsel for the petitioner submits that the fire
arm injuries have specifically been assigned by the prosecution
against named persons. Four out of those named persons have been
allowed bail in *Cr. Misc. Nos. 31376 of 2021, 67074 of 2021, 27475*



of 2022 and 3210 of 2022. In case of the petitioner, in fact, the police after investigation while submitting charge-sheet has not sent the petitioner for trial. Under the circumstances, the petitioner's case, as per submission of the learned counsel, stands on a better footing and yet he has remained in custody since 08.08.2022.

Mr. Shekhar Kumar Singh, learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail. It is submitted that other persons were allowed bail after longer period of custody and that the trial should be expedited.

Considering the rival submissions, having regard to the distinction created by the petitioner based on the final form, as also the factum of bail having been granted to other accused persons against whom there is specific allegation of firing, this Court, for the purposes of grant of bail, is inclined to allow the petitioner's prayer for bail. Insofar as the trial being expedited, it is observed that the informant's counsel would be free to avail his remedies, in accordance with law.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Mansi P. S. Case No. 273 of 2019, 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.

(Madhuresh Prasad, J)

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