

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70712 of 2023

Arising Out of PS. Case No.-696 Year-2013 Thana- KHAGARIA District- Khagaria

Sanjay Yadav S/O Late Binodi Yadav Ex-Mukhiya, R/O Village- Morkahi,
Kachhari Tola, P.S- Muffsil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nand Singh, Advocate
For the State	:	Mr. Surendra Kumar, APP
For the Informant	:	Mr. Jai Kishor Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Khagaria (Muffasil) P.S. Case No.696 of 2013 instituted under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, when the informant and his elder brother Subodh Yadav came to the house of the petitioner, the petitioner caught hold the brother of the informant and co-accused Gulab Yadav opened fire on his head due to which sustained injury and thereafter the informant took his brother to the hospital where Subodh Yadav was declared dead.

4. Learned counsel for the petitioner submits that the



petitioner is not the assailant of the deceased and after investigation, the police submitted charge sheet against other co-accused persons and the petitioner has been exonerated from the charge by the police. The cognizance of the offence was taken against other accused persons and during trial on application under Section 319 Cr.P.C. filed by the informant, the learned court below summoned the petitioner as an accused. The petitioner is innocent and has falsely been implicated in this case. The petitioner is 65 years old and Ex-Mukhiya of Rahimpur Madhya Panchayat. He has one criminal antecedent in which he is on bail. He further submits that the petitioner shall cooperate in the trial.

5. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Khagaria in connection with Khagaria (Muffasil) P.S. Case No.696 of 2013, subject to the conditions as laid down in



Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

Harish/-

U		T	
---	--	---	--

