

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37089 of 2024

Arising Out of PS. Case No.-144 Year-2022 Thana- RAGHOPUR District- Supaul

SUNDER YADAV S/O LATE JHABBAR YADAV R/O VILLAGE-KORIYAPATTI (DEVIPUR), WARD NO. 14, P.S- RAGHOPUR, DISTT.-SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Krishna Prasad Singh, Sr. Advocate

Sri Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Sri Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-09-2024 1. Heard Sri Krishna Prasad Singh learned Senior Counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 504, 506, 147 and 148 of the Indian Penal Code.
3. Learned Senior Counsel for the petitioner submits that petitioner has antecedent of one case.
4. The informant alleges that on 08.04.2022 he along with his uncle Shivam Yadav and Mangal Yadav was returning home and when they reached near Tilawe River, they heard sound of cry, accordingly, they reached towards the place from where the sound was coming and saw eleven accused persons including the petitioner along with 5-6 unknown. Further the



accused persons threatened them on which they raised alarm when the accused fled away. Thereafter they saw the father of the informant lying dead in a pool of blood, accordingly, the police was informed and the police came and took the dead body of the deceased.

5. Learned Senior Counsel for the petitioner submits that petitioner is in custody since 27.10.2023, charges have been framed and trial has commenced and four witnesses have been examined in the trial. It is further submitted that petitioner is agnate of the deceased and is having dispute relating to property. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence of killing of his father. It is also submitted that though informant alleges that even petitioner was present at the place of occurrence but then does not allege that he saw the accused persons committing the occurrence. It is further submitted that it may be a possibility that on account of dispute relating to property, the petitioner has been implicated. It is next submitted that similarly situated co-accused Umesh Yadav had approached this Court seeking bail by filing Cr. Misc. No. 8627 of 2024 and the same was allowed by a learned Coordinate Bench of this Court by an order dated 05.04.2024. Further,



Birendra Yadav had also approached this Court seeking bail by filing Cr. Misc. No. 26986 of 2024 and the same was allowed by an order dated 23.07.2024. Similarly, Pappu Yadav and Sanjay Yadav were also granted the privilege of regular bail by an order dated 12.03.2024 in Cr. Misc. No. 13495 of 2024.

6. Learned counsel for the informant submits that since trial has commenced and if petitioner is granted the privilege of regular bail, the petitioner may abscond on which learned Senior Counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the trial.

7. Considering the submissions made by the learned Senior Counsel appearing on behalf of the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 19 of 2024 arising out of Raghapur P.S. Case No. 144 of 2022.

8. One of the bailors of the petitioner shall be his cousin Surendra Yadav.

9. It is made clear that if the learned trial court comes



to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner forthwith and shall take all coercive steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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