

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44393 of 2024

Arising Out of PS. Case No.-82 Year-1994 Thana- CHOUTARWA District- West Champaran

Asharfi Yadav @ Pandit Son of Late Bali Yadav R/O Village- Parsona, P.S.-
Thakraha, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-09-2024 Supplementary affidavit has been filed stating that the

petitioner has been convicted in Ramnagar P.S. Case No. 129 of

2002.

2. In this case, the petitioner is seeking regular bail in
connection with Sessions Trial No. 274 of 2014 Registration
No. 2727 of 2015 arising out of Chautarwa (Bathwariya) P.S.
Case No. 82 of 1994, registered for the offences punishable
under Sections 302, 307, 324, 323/34 of the IPC and Sections
25, 26 and 27 of the Arms Act.

3. As per allegation, the miscreants after entering into the
house of the informant and his brother made indiscriminate
firing causing death of one, Teni Yadav and Satan Sah. Hirdya
Narayan Sah and Ramji Yadav also died. Hirdya Narayan Sah



died after being discharged from the hospital. Said Hirdya Narayan Sah informed the informant that other co-accused persons and the petitioner were members of the group of assailants. The petitioner is under custody since 09.01.2014 in the present case. He was remanded from another case in which he was under custody since the year 2008.

4. Learned counsel for the petitioner has submitted that the informant did not identify the miscreants and on exactly similar footing, co-accused Munnar Yadav and Geeta Bin have been granted bail by a coordinate Benches of this Court vide order dated 03.02.2015 and 30.11.2015 passed in Cr. Misc. No. 24873 of 2014 and Cr. Misc. No. 25528 of 2015.

5. A report has been called for from the court below about the stage of the trial which shows that out of 13 chargesheeted witnesses, only three witnesses have been examined. The petitioner is under custody for more than 10 years and the trial is going on snail pace. On exactly similar footing, some other co-accused persons have been granted bail by a coordinate Benches of this Court.

6. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties



of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Bagaha, West Champaran in connection with Sessions Trial No. 274 of 2014 Registration No. 2727 of 2015 arising out of Chautarwa (Bathwariya) P.S. Case No. 82 of 1994, subject to the following condition:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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