

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51534 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- SAJOUR District- Bhagalpur

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Brajesh Kumar Yadav @ Brajesh Yadav Son of Sailendra Yadav R/O
Sahabad, P.s.- Sultanganj, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-11-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Sajour
P.S. Case No. 01 of 2024 instituted for the offences under
Sections 302, 120B, 34 of the Indian Penal Code and 27 of the
Arms Act.

3. Prosecution case, in a nutshell is that all the FIR
named accused persons in connivance with other unknown
persons have killed the son of the informant by hatching
conspiracy.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the F.I.R. The name of the petitioner



transpired in this case on the basis of confessional statement of the co-accused, namely, Manoj Shah. Learned counsel further submitted that there is no eye-witness to the occurrence. Learned counsel further submitted that except confessional statement of the co-accused person and that too, before the police, nothing adverse has come against the petitioner during entire investigation. It is alleged that one country-made pistol and seven live cartridges have been recovered from the house of the petitioner but there is no compliance of Section 100 of the Cr.P.C. and hence, the entire seizure has become doubtful. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.05.2024 and has three criminal antecedents. The co-accused person has already been granted bail by this Bench vide order dated 28.10.2024 passed in Cr. Misc. No. 52495 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that there is direct allegation against this petitioner that he fired on the *kanpati* of the deceased due to which he died. Learned counsel further submitted that post-mortem report also corroborates the prosecution case. Learned counsel further submitted that the bail application of the co-accused namely,



Manoj Sah was rejected vide order dated 29.10.2024 passed in Cr. Misc. No. 53525 of 2024.

6. Having considered the rival contentions of both the parties and material available on record, since there is direct allegation against this petitioner that he fired upon the deceased due to which the deceased died and this fact is further corroborated by the post-mortem report, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned trial court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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