

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52495 of 2024**

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

Binoy Yadav Son of Bijay Yadav @ Vijay Yadav Resident of Village -  
Kolhacjhak (Kolhachak), P.S.- Sajour, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Indeshwari Mandal, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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

ORAL ORDER

3      28-10-2024              Heard learned counsel for the petitioner and learned APP  
for the State. Perused the case diary.

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

3.      Prosecution case in a nutshell is that co-accused  
persons including the petitioner have killed the son of the  
informant by hatching conspiracy.

4.      It has been submitted on behalf of the petitioner  
that the petitioner is in custody since 05-03-2024. Petitioner is a  
man of clean antecedent.

5.      It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Brajesh Yadav. Learned counsel next submits that police after investigation has submitted charge sheet in this case. It is submitted that there is no specific allegation alleged against the petitioner, rather allegation is general and omnibus in nature.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner was holding the deceased, while co-accused, namely, Brajesh Yadav and Manoj Sah, opened fired upon the deceased, which fact is corroborated by the confessional statements of both the co-accused. It is next submitted that CDR of the petitioner was found to be near place of occurrence.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let 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 Court below/concerned Court in connection with Sajour P.S. Case No. 01 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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