

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62559 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- LAXMIPUR District- Jamui

Sakendra Kumar @ Sakendra Kumar @ Sikandra Yadav @ Bhutta Yadav @
Sakindra Yadav Son of Parmeshwar Yadav Resident of Village - Maghi, Modi
Tola, P.S. - Laxmipur, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP
For the Informant : Mr. Sanjay Kr. Mishra, Adv.

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

ORAL ORDER

4 18-11-2024 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner and Mr. Navin Kumar Pandey, learned
APP for the State as also Mr. Sanjay Kr. Mishra, learned counsel
for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with
Laxmipur P.S. Case No. 106 of 2024 instituted for the offences
under Sections 147, 341, 342, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informants' wife namely Pabiya Devi. It is also
alleged that the accused persons also tried to kill the Informant



as well but, anyhow, he managed to flee away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and has falsely been implicated in the present case in course of investigation only and, that too, on the basis of statements given by alleged eye-witness, namely, Madan Yadav under Sections 161 and 164 of the Cr.P.C. Save and except the statement of the co-accused Madan Yadav, who is the brother of the deceased, there is nothing against the petitioner to implicate him in the present case. He also submits that the petitioner is not the main assailant. He further submits that the co-accused Madan Yadav, who is the brother of the deceased, had gone to jail on 15.04.2024 but, did not give any statement regarding occurrence but, surprisingly, after a period of about two months i.e. on 19.05.2024, he gave statement in jail stating therein that he had seen Sanjay Yadav (the Informant), Pramod Yadav and the petitioner of firing upon the deceased, which creates doubt in the present case. There is also no explanation as to why he gave such statement after a delay of about two months which itself



falsifies the prosecution case. The petitioner has also no intention to kill the deceased. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, alleging that the offence alleged against the petitioner is serious in nature. The co-accused Madan Yadav, who is alleged to be an eye-witness to the occurrence, has taken the name of the three accused persons including the present petitioner to be involved in the alleged occurrence and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Laxmipur P.S. Case No. 106 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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