

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74892 of 2024

Arising Out of PS. Case No.-39 Year-1997 Thana- SANJHOLI District- Rohtas

Sipahi Yadav @ Sipahi Singh Son of Mathura Yadav Resident of Village-
Mukundpur Ps- Sikrol Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Choubey, Adv.

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

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

ORAL ORDER

4 19-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the instant case, the case diary was called for
vide order 23.10.2024 but, the same was not received within
the stipulated time-period. Again on 05.12.2024, a reminder
was issued to the learned court below for compliance of the
aforesaid order dated 23.10.2024 but, even then, no case
diary has been received by this Court.

3. Learned counsel for the petitioner has filed
supplementary affidavit in the matter and is being kept on
record.

4. The petitioner seeks bail in connection with



Sessions Trial No. 349 of 2005 arising out of Sanjhauli P.S.
Case No. 39 of 1997 instituted for the offences under
Section 364A of the Indian Penal Code.

5. As per prosecution case, the accusation against
the accused persons including the petitioner is of being
involved in kidnapping one Devendra Kumar Pandey for
ransom.

6. 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 present one is a case of misuse of privilege
of grant of bail. Learned counsel for the petitioner by way of
filing supplementary affidavit submits that the petitioner was
granted bail on 07.09.2017 but, due to Covid pandemic, his
bail bond was cancelled on 21.10.2019, as he failed to appear
on several dates and ultimately, N.B.W. was also issued
against him. He further submits that the petitioner
surrendered before the court below on 15.12.2023 and, since
then, he is in custody. In this case, there are seven witnesses
who have been examined and rest two police witnesses have



died and the testimony of the only remaining police witness Kali Indrawa is to be recorded on behalf of the prosecution. There is no evidence against the petitioner. He further submits that the petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the undertaking given by the petitioner, 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 Sessions Trial No. 349 of 2005 arising out of Sanjhauli P.S. Case No. 39 of 1997, 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)

rishi/-

U		T	
---	--	---	--

