

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80730 of 2023

Arising Out of PS. Case No.-185 Year-2020 Thana- MOKAMAH District- Patna

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SAGAR YADAV SON OF GANDHARI YADAV @ GENDHARI YADAV
RESIDENT OF VILLAGE- BAHRAWAN, P.S.- BARH, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Sagar

For the Opposite Party/s : Mr.Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 1050 of 2023 arising out of Mokama P.S. Case No. 185 of 2020 registered for the offences punishable under Sections 147, 148, 149 and 302/34 of the IPC and section 27 of the Arms Act.

3. As per prosecution case, petitioner and others armed with rifle and gun concertedly surrounded the informant's son Guddu Kumar. It is further alleged that co-accused Lakshman Yadav, Mukesh Yadav, Nitish Kumar, Bindeshwar Yadav, Dipu and Nageshwar Yadav are said to have fired upon informant's son on his different parts of body and fled away from the place of occurrence assuming that informant's son



Guddu Kumar has died.

4. Learned counsel for the petitioner submits that petitioner is in custody since 29.05.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no specific allegation against the petitioner rather the same is general and omnibus in nature. The specific allegation of firing upon informant's son on his different parts of body is against co-accused Lakshman Yadav, Mukesh Yadav, Nitish Kumar, Bindeshwar Yadav, Dipu and Nageshwar Yadav. He further that petitioner belongs to different village and on account of enmity with the co-accused Dipu Yadav who is son-in-law of the present petitioner, informant has grabbed the opportunity to rope the petitioner with the alleged occurrence despite the petitioner is not present at the place of occurrence. He further submits that co-accused Sunil Yadav and Sudhir Yadav have already been granted bail vide Cr. Misc. No. 62778 of 2023 by the co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, there is no specific overt-act against the present petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Barh (District-Patna) in connection with Sessions Trial No. 1050 of 2023 arising out of Mokama P.S. Case No. 185 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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